## To Do:

\*\*\*interesting arg to think about: do banned books count as banned freedom of speech?\*\*\*\*\*

* Clean up Scenario 1 and Scenario 2
* Find OP cards to put in solvency
* Brush up fwk
  + Why the hell do we need Bleiker again???
* Clean up formatting for frontlines
* Cut better frontlines

<https://www.chetson.com/2013/09/speech-codes-and-the-criminalization-of-speech/>

<http://reason.com/reasontv/2013/05/15/lukianoff-unconstitutional-speech-code-m>

<http://www.law.columbia.edu/sites/default/files/microsites/law-culture/files/hate-speech-files/Jacobson-Schlink-Hate-Speech-and-Self-Restraint-Draft.pdf>

<http://www.virginialawreview.org/sites/virginialawreview.org/files/1577.pdf>

<https://reclaimourrepublic.wordpress.com/2015/01/31/criminalization-of-free-speech-marine-locked-in-psych-ward-goes-to-war-with-feds-communists-join-reid-war-against-kochs/>

<https://thepatriotperspective.wordpress.com/2016/03/12/the-lefts-criminalization-of-dissent/>

<https://books.google.com/books?id=p-DInbMLvhgC&pg=PA132&lpg=PA132&dq=%22speech+codes%22+%22criminalization%22&source=bl&ots=ruMBk8Hydq&sig=bmUTO4W9EgxnFq097aTti36XP0s&hl=en&sa=X&ved=0ahUKEwiW9avXiMPTAhXI6oMKHeVDBco4FBDoAQg4MAU#v=onepage&q=%22speech%20codes%22%20%22criminalization%22&f=false>

<https://www.thefire.org/defying-the-constitution-the-rise-persistence-and-prevalence-of-campus-speech-codes/>

<https://www.theatlantic.com/politics/archive/2016/03/the-glaring-evidence-that-free-speech-is-threatened-on-campus/471825/>

<https://thenationalpulse.com/commentary/colleges-crack-down-anti-free-speech-violence/>

<http://www.newsweek.com/2016/06/03/college-campus-free-speech-thought-police-463536.html>

<http://www.slate.com/articles/news_and_politics/view_from_chicago/2015/02/university_speech_codes_students_are_children_who_must_be_protected.html>

## 1AC – Current Final {5:47}

### FW v 2 {w/o Bleiker}

#### The 1AC is a criticism of the status quo, where students are ruled by fear, subject to the violence which follows the imposition of the concept of *discipline* into school spaces. We must combat the fear of rules of norms which bind us down – the role of the judge as an intellectual with the power to determine truth or falsity within the debate space and transform the discursive space is to vote for the method that best challenges disciplinary apparatus’.

Giroux ’13, [Henry A. Giroux | Violence, USA: The Warfare State and the Brutalizing of Everyday Life Wednesday, 02 May 2012 10:03 By Henry A. Giroux, Truthout | Op-Ed. SK]

**Even public school reform is now justified in the dehumanizing language of national security, which increasingly legitimates the trans- formation of schools into adjuncts of the surveillance and police state**. '3 **The privatization and militarization of schools mutually inform each other as students are increasingly subjected to** disciplinary apparatuses that limit their capacity for critical thinking **while molding them** into consumers, testing them into submission, **stripping them of** any sense of social responsibility, and convincing large numbers of poor minority students that they are better off under the jurisdiction of the criminal justice system instead of being treated as valued members of the public schools. Schools are increasingly absorbing the culture of prisons and are aggressively being transformed into an extension of the criminal justice system. Many public schools are being militarized to resemble prisons instead of being safe places that would enable students to learn how to be critical and engaged citizens. Rather than being treated with dignity and respect, students are increasingly treated as if they were criminals, given that they are repeatedly "photographed, fingerprinted, scanned, x-rayed, sniffed and snooped on."" As I mentioned in chapter 2, the space of the school resembles a high-security prison with its metal detectors at the school entrances, drug-sniï¬‚ing dogs in school corri- dors, and surveillance cameras in the hallways and classrooms. Student behaviors that were once considered child play are now elevated to the status of a crime. Young people who violate dress codes, engage in food fights, hug each other, doodle, and shoot spit wads are no longer repri- manded by the classroom teacher or principal; instead their behavior is criminalized. Consequently, the police are called in to remove them is criminalized. Consequently, the police are called in to remove them from the classroom, handcuff them, and put them in the back of a police car to be carted off to a police station where they languish in a holding cell. There is a kind of doubling that takes place here between the culture of punishment, on the one hand, and the feeding of profits for the security-surveillance industries. What has emerged in the United States is a civil and political order structured around the problem of violent crime. This governing- through-crime model produces a highly authoritarian and mechanistic approach to addressing social problems that often focuses on low- income and poor minorities, promotes highly repressive policies, and places undue emphasis on personal security rather than considering the larger complex of social and structural forces that fuels violence in the first place. Far from promoting democratic values, a respect for others, and social responsibility, a governing-through-crime approach criminalizes a wide range of behaviors and in doing so often functions largely to humiliate, punish, and demonize. "lhe abuse and damage that criminalizes a wide range of behaviors and in doing so often functions largely to humiliate, punish, and demonize. The abuse and damage that is being imposed on young people as a result of the ongoing militariza- tion and criminalization of public schools defy the imagination. And ;';.':;~.n='.~m':' 74 AMERICA'S EDUCATION DEFICIT AND THE WAR ON the trivial nature of the behaviors that produce such egregious prac- tices is hard to believe. A few examples will suffice: In November 2011, a 14-year-old student in Brevard County, Florida, was suspended for hugging a female friend, an act which even the principal acknowledged as innocent. A 9-year-old in Charlotte, North Carolina, was suspended for sexual harassment after a substitute teacher overheard the child tell another student that the teacher was "cute." A 6-year-old in Georgia was arrested, handcuffed and suspended for the remainder of the school year after throwing a temper tantrum in class. A 6-year-old boy in San Francisco was accused of sexual assault following a game of tag on the playground. A 6-year-old in Indiana was arrested, handcuffed and charged with battery after kicking a school principal. Twelve- year-old Alexa Gonzalez was arrested and handcuffed for doodling on a desk. Another student was expelled for speaking on a cell phone with his mother, to whom he hadn't spoken in a month because she was in Iraq on a military deployment. Four high school students in Detroit were arrested and handcuffed for participating in a food fight and charged with a misdemeanor with the potential for a 90-day jail sentence and a $500 fine. A high school student in Indiana was expelled after sending a profanity-laced tweet through his Twitter account after school hours. The school had been con- ducting their own surveillance by tracking the tweeting habits of all students. These are not isolated incidents. In 2010, some 300,000 Texas schoolchildren received misdemeanor tickets from police officials. One 12-year-old Texas girl had the police called on her after she sprayed perfume on herself during class." **Public spaces that should promote dialogue, thoughtfulness, and critical exchange are** ruled by fear **and become the ideological corol- lary of a state that aligns its priorities to war** and munitions sales while declaring a state of emergency (under the aegis of a permanent war) as a major reference for shaping domestic policy. **In addition, the media and other cultural apparatuses now** produce, circulate, and **validate forms of** symbolic and real violence **that dissolve the democratic** bonds of social reciprocity. **This dystopian use of violence** as enter- tainment and spectacle **is reinforced through the media's incessant appeal to the** market-driven **egocentric interests of the autonomous individual, a fear of the Other, and a stripped-down version of secu- rity that narrowly focuses on personal safety** rather than collective security nets and social welfare. One consequence is that **those who are viewed as disposable and reduced to zones of abandonment are forced "to address the reality of extreme violence** . . . **in the very heart of their everyday life**."'Â° Violence in everyday life is matched by a surge of violence in popular culture. Violence now runs through media and popular culture like an electric current. As the New York Times reported recently, "The top-rated show on cable TV is rife with shoot- ings, stabbings, machete attacks and more shootings. The top drama at the box office fills theaters with the noise of automatic weapons fire. The top-selling video game in the country gives players the choice to kill or merely wound their quarry.""' SK

#### The impacts are multifold – disciplinary apparatus’ push students into the new zone of exclusion – they are viewed as disposable and suffer symbolic and real violence that mirrors a dystopia but parallels reality – this leads to securitization, dehumanization, consumerism, alienation and violence against students.

**It is not sufficient to reject terminal forms of power like “classism” or “anti-blackness” because these criticisms neglect the underlying forces that engender systems of domination – Instead we resist power specifically to the sphere that they operate in. Terminal instances of power stem from the systemic formation of overlapping disciplinary structures – the task of the revolutionary is to address specific instances so as to unravel larger hegemonic structures**

Atterton, philosophy professor**,** University of California San Diego, HISTORY OF THE HUMAN SCIENCES JOURNAL, 1994, p. http://www.acusd.edu/~atterton/Publications/foucault.htm.

Foucault considers all these are possible, with appropriate reservations and qualifications: "Are there no great radical ruptures, massive binary divisions, then? Occasionally, yes. But more often o[O]ne is dealing with mobile and transitory points of resistance, producing cleavages in a society... Jjust as a network of power relations ends by forming a dense web that passes through apparatuses and institutions, without being exactly llocalized in them, so too the swarms of points of resistance traverses social stratifications and individual unities. And it is doubtless the strategic codification of tthese points of resistance that makes a revolution possible, somewhat similar to the way in which the state relies on the institutional integration of power relationships."

#### The emergence of totalitarian control originates from various disciplinary apparatuses that insidiously crystallize systems of hegemony. Restructuring of the political occurs through the deconstruction of disciplinary mechanisms – the specificity and thoroughness of regulations intensify the machinations of power which attempt to meticulously control individuals’ lives.

Foucault Foucault, Michel. Discipline and Punish: The Birth of the Prison. New York: Vintage Books, 1979. Print

The ‘invention\* of this new political anatomy must not be seen as a sudden discovery. It is rather a multiplicity of often minor processes, of different origin and scattered location, which overlap, repeat, or imitate one another, support one another, distinguish themselves from one another according to their domain of applica­ tion, converge and gradually produce the blueprint of a general method. They were at work in secondary education at a very early date, later in primary schools; they slowly invested the space of the hospital; and, in a few decades, they restructured the military organization. They sometimes circulated very rapidly from one point to another (between the army and the technical schools or secondary schools), sometimes slowly and discreetly (the insidious militarization of the large workshops). On almost every occasion, they were adopted in response to particular needs: an industrial innovation, a renewed outbreak of certain epidemic diseases, the invention o f the rifle or the victories o f Prussia. This did not prevent them being totally inscribed in general and essential transforma­ tions, which we must now try to delineate.¶ There can be no question here of writing the history of the different disciplinary institutions, with all their individual differ­ ences\* I simply intend to map on a series of examples some of the essential techniques that most easily spread from one to another. These were always meticulous, often minute, techniques, but they had their importance: because they defined a certain mode of detailed political investment of the body, a 'new micro-physics\* of power; and because, since the seventeenth century, they had constantly reached out to ever broader domains, as if they tended to cover the entire social body. Small acts of cunning endowed with a great power of diffusion, subtle arrangements, apparently innocent, but profoundly suspicious, mechanisms that obeyed economies too shameful to be acknowledged, or pursued petty forms of coercion — it was nevertheless they that brought about the mutation of the punitive system, at the threshold of the contemporary period. De­ scribing them will require great attention to detail: beneath every set¶ of figures, we must seek not a meaning, but a precaution; we must situate them not only in the inextricability of a functioning, but in the coherence of a tactic. They are the acts of cunning, not so much of the greater reason that works even in its sleep and gives meaning to the insignificant, as of the attentive 'malevolence\* that turns everything to account. Discipline is a political anatomy of detail. Before we lose patience we would do well to recall the words of Marshal de Saxe: ‘Although those who concern themselves with details are regarded as folk of limited intelligence, it seems to me that this part is essential, because it is the foundation, and it is impossible to erect any building or establish any method without understanding its principles. It is not enough to have a liking for architecture. One must also know stone-cutting\* (Saxe, 5). There is a whole history to be written about such 'stone-cutting’ - a history of the utilitarian rationalization of detail in moral accountability and political control. The classical age did not initiate it; rather it accelerated it, changed its scale, gave it precise instruments, and perhaps found some echoes for it in the calculation of the infinitely small or in the description of the most detailed characteristics of natural beings. In any case, ‘detail\* had long been a category of theology and asceticism: every detail is important since, in the sight of God, no immensity is greater than a detail, nor is anything so small that it was not willed by one of his individual wishes. In this great tradition of the eminence of detail, all the minutiae of Chris­ tian education, of scholastic or military pedagogy, all forms of ‘training' found their place easily enough. For the disciplined man, as for the true believer, no detail is unimportant, but not so much for the meaning that it conceals within it as for the hold it provides for the power that wishes to seize it. Characteristic is the great hymn to the ‘little things' and to their eternal importance, sung by Jean- Baptiste de La Salle, in his Traitd sur les obligations des freres des licoles chretiennes. The mystique of the everyday is joined here with the discipline of the minute. 'How dangerous it is to neglect little things. It is a very consoling reflection for a soul like mine, little disposed to great actions, to think that fidelity to little things may, by an imperceptible progress, raise us to the most eminent sanctity: because little things lead to greater \* . . Little things; it will be said, alas, my God, what can we do that is great for you, weak and mortal creatures that we are. Little things; if great things presented them­ selves would we perform them? Would we not think them beyond our strength? Little things; and if God accepts them and wishes to receive them as great things? Little things; has one ever felt this? Does one judge according to experience? Little things; one is cer­ tainly guilty, therefore, if seeing them as such, one refuses them? Little things; yet it is they that in the end have made great saints! Yes, little things; but great motives, great feelings, great fervour, great ardour, and consequently great merits, great treasures, great rewards' (La Salle, Traite . . ., 238-9). The meticulousness of the regulations, the fussiness of the inspections, [and] the supervision of the smallest fragment of life and of the body will soon provide, in the context of the school, the barracks, the hospital or the workshop, a laicized content, an economic or technical rationality for this mystical calculus of the infinitesimal and the infinite. And a History of Detail in the eighteenth century, presided over by Jean-Baptiste de La Salle, touching on Leibniz and Buffon, via Frederick II, covering pedagogy, medicine, military tactics and economics, should bring us, at the end of the century, to the man who dreamt of being another Newton, not the Newton of the immensities of the heavens and the planetary masses, but a Newton of ‘small bodies’, small movements, small actions; to the man who replied to Monge’s remark, ‘there was only one world to discover\*: ‘What do I hear? But the world of details, who has never dreamt of that other world, what of that world? I have believed in it ever since I was fifteen. I was concerned with it then, and this memory lives within me, as an obsession never to be abandoned. . . That other world is the most important of all that I flatter myself I have dis­ covered: when I think of it, my heart aches’ (these words are attributed to Bonaparte in the Introduction to Saint-Hilaire\*s Notions synthetiques et historiques de philosophic naturelie). Napoleon did not discover this world; but we know that he set out to organize it; and he wished to arrange around him a mechanism of power that¶ would enable him to see the smallest event that occurred in the state he governed; he intended, by means of the rigorous discipline that he imposed, ‘to embrace the whole of this vast machine without the slightest detail escaping his or her attention\* (Treilhard, 14).¶ A meticulous observation of detail, and at the same time a political awareness of these small things, for the control and use of men, emerge through the classical age bearing with them a whole set of techniques, a whole corpus of methods and knowledge[.], descriptions, plans and data. And from such trifles, no doubt, the man of modern humanism was born.1

Thus the standard is to **retract from the disciplinary power of academic spaces.**

### Solvency {w/o Hook}

#### In the status quo speech is silenced and a desire for control, discipline, and safety manipulate agendas on college campus’ – anything but the aff is self-defeating and circular – the desire for “safety” is cyclical and will spill over into more and more restrictions as fear perforates.

Reisert ’15, [Joseph R. Reisert(), Idea of 'safe space,' as defined on college campuses, is inherently totalitarian, Central Maine, 11-14-2015, 15, http://www.centralmaine.com/2015/11/14/idea-of-safe-space-as-defined-on-college-campuses-is-inherently-totalitarian/, 2-17-2017. SK]

**No** free or democratic **society can endure without robust protections for freedom of speech**, which are carefully protected in our Constitution and our laws. **Today**, however, we see that **the idea and cultural practice of free speech are under assault today, especially on university campuses,** which are now — according to the activists — supposed to be “safe spaces.” The idea of the “safe space” is novel, but in some ways seductively appealing. It is not simply that the idea that we should be free from fear of physical harm: criminal and civil laws already are there to protect our freedom and physical safety. **These** “safe spaces” **[assaults] promise yet a further dimension of safety** — **an environment in which one need never fear being insulted, demeaned or made to feel unwelcome**, an environment in which one is perfectly “at home.” photo-store Search photos available for purchase: Photo Store → Unfortunately, **the idea of the “safe space”** **is inherently totalitarian**, a threat to freedom of speech, freedom of inquiry and to democracy itself. Just this week, we saw two striking examples, one at the **U**niversity of **Missouri**, the other at Yale. At the University of Missouri, which has been roiled by protests that ultimately led to the resignation of the university chancellor and president, a journalist was forcibly prevented from reporting about one of the protests because his presence made the protesters feel unsafe. Under Missouri state law, the reporter had an absolute right to cover the demonstration, which was taking place in a “free speech zone.” The protesters had other ideas. The whole incident can be seen on YouTube: A crowd of the protesters had formed a human wall around a tent city they didn’t want the reporter to photograph, then they bodily pushed the reporter backwards, while demanding that he respect their space. Ultimately, after more such aggressions against the reporter, a professor (!) called for “some muscle” to make the reporter leave. At Yale University, after the administration issued an all-campus email advising students not to wear offensive Halloween costumes, a faculty member who lives on the campus as a faculty leader of one of the dormitory complexes wrote a follow-up email to the students in her dorm. She wrote that, while she appreciated the “laudable” motives of the administrators, she called upon the community “to reflect more transparently” on whether it is a good idea for administrators to tell students how to dress up for Halloween. Formerly, she wrote, colleges were places of “transgressive” experience; increasingly, it seems, “they have become places of censure and prohibition. And this censure and prohibition come from above, not from yourselves!” She concluded that it was not her business to control the costumes young people wear. This email provoked, not the desired conversation, but a storm of angry protests in which the students in effect demanded to be treated as children. At one key moment, the letter writer’s husband — officially the senior faculty member responsible for the dorm complex — went to meet with the protesting students. This encounter, too, can be seen on video. The lone professor is surrounded by students, one of whom screams obscenities at him and insists “it is not about creating an intellectual community here.” What she demands instead is a “home” and a “safe space.” As at Missouri, the Yale students’ demand for a “safe space” became an excuse for bullying and a license for insult. As at Missouri, we see at Yale a mob of angry protesters demanding their own safety in a manner calculated to make the target of their anger feel decidedly unsafe. **It is not accidental that the demand for safety so quickly morphed in both cases into a license for aggression.** **The problem is inherent in the demand for a subjective feeling of perfect safety**. **Diversity and disagreement are never altogether comfortable, and they can never be made perfectly “safe.”** Few things are as unpleasant as having one’s foundational certitudes challenged and one’s core beliefs — or one’s very identity — disparaged, or dismissed. But the only way to be “safe” from such experiences is to abolish diversity and disagreement altogether — to mandate the one right way of life and of thinking, as the Missouri and Yale protesters are trying to do. Ultimately, that aim is self-defeating: **Once today’s threatening voices have been silenced, new disagreements will arise, provoking new anxieties about “safety.”** **The** **only** stable and **enduring**ly peaceful **order** **is one that accepts** the discomfort that inevitably arises in a big world full of people who respect one **another’s freedom to disagree**. SK

#### Advocacy Text: In the United States, public colleges and universities ought not restrict any constitutionally protected speech. We defend removing restrictions on speech viewed as harmful and defend that educational programs are a better solution to harmful speech than speech codes.

Bertin **in** ‘17 Joan E. Bertin, Executive Director, National Coalition Against Censorship 2017, ["NCAC Analysis: The First Amendment and School Policies on Harassment and Bullying", http://ncac.org/resource/ncac-analysis-the-first-amendment-and-school-policies-on-harassment-and-bullying] AL 2-15-2017

**While school officials have considerable authority to regulate student speech in school, they do not have license to disregard the free speech rights of students. Speech codes in the college and university setting have routinely been struck down.** See*, e.g., DeJohn v. Temple University*, 537 F.3d 301 (3d Cir. 2008). Even in the high school setting, **efforts to proscribe the kind of speech outlined in the Letter have been subjected to searching inquiry, and frequently found in violation of the First Amendment.** The decision in *Saxe v. State College Area School District*, 240 F. 3d 200 (3d Cir. 2001), is particularly instructive. The case involved a First Amendment challenge to an anti-harassment code which read, in pertinent part: Harassment means verbal or physical conduct based on one’s actual or perceived race, religion, color, national origin, gender, sexual orientation, disability, or other personal characteristics, and which has the purpose or effect of substantially interfering with a student’s educational performance or creating an intimidating, hostile or offensive environment. Harassment can include any unwelcome verbal, written or physical conduct which offends, denigrates, or belittles an individual… Such conduct includes but is not limited to unsolicited derogatory remarks, jokes, demeaning comments or behaviors, slurs, mimicking, name calling, graffiti, innuendo, gestures…or the display or circulation of written material or pictures. *Id*. at 202-203. The school argued that harassment “as defined by federal and state anti-discrimination statutes, is not entitled to First Amendment protection.” *Id.* at 204. Judge Samuel Alito, writing for the court, rejected this claim: “There is no categorical ‘harassment exception’ to the First Amendment’s free speech clause. Moreover, the … policy prohibits a substantial amount of speech that would not constitute actionable harassment under either federal or state law.” *Id.* He went on to note that “there is also no question that the free speech clause protects a wide variety of speech that listeners may consider deeply offensive, including statements that impugn another’s race or national origin or that denigrate religious beliefs.” *Id.* at 206. The test for limiting such speech is whether or not it is likely to substantially disrupt the educational program. **The court concluded that although there is “a compelling interest in promoting an educational environment that is safe and conducive to learning, [the school] fails to provide any particularized reason as to why it anticipates substantial disruption from the broad swath of student speech prohibited under the Policy.**” *Id.* at 217. The unmistakable message is that if a school were to adopt rules implicitly required by the OCR’s October 2010 letter, it could well be subject to suit for infringing students’ free speech rights. A more recent opinion, authored by Judge Richard Posner of the Seventh Circuit, struck down a school policy prohibiting “negative comments” about homosexuality, stating that “a school that permits advocacy of the rights of homosexual students cannot be allowed to stifle criticism of homosexuality.” *Zamecnik v. Indian Prairie School Dist. #204,* 636 F.3d 874, 876 (7thCir. 2011). Without evidence that the school had “a reasonable belief that it faced a threat of substantial disruption,” the speech restriction could not be justified. Such disruption cannot result from the response of the listeners: “retaliatory conduct by persons offended” by the speech in question does not provide grounds for suppressing the speech; otherwise, “**free speech could be stifled by the speaker’s opponents….” If suppressing speech in the school setting raises constitutional questions, even more concerns exist with regard to efforts to regulate speech outside the school setting.** While law on this issue is not yet well established, the Third Circuit issued a cautionary warning in a pair of recent decisions holding that disciplining students for off-campus, online speech violated the students’ free speech rights. See, Blue Mountain School District v. J.S., 630 F.3d 915 (3rd Cir. 2011), cert. denied, 132 S. Ct. 1097 (Jan. 17, 2012) (finding that it was not “reasonably foreseeable that [the student’s] speech would create a substantial disruption.”) That court went even further in Layshock v. Hermitage School Dist., 650 F.3d 205, 216 (3rd Cir. 2011): “**It would be an unseemly and dangerous precedent to allow the state, in the guise of school authorities, to reach into a child’s home and control his/her actions there to the same extent that it can control that child when he/she participates in school sponsored activities.” Efforts to prevent bullying and harassment are critical, but the existence of one problem does not provide license to ride roughshod over students’ constitutional rights. The protection of students can – and must – be achieved without infringing the very rights we teach our children are the basis of our democracy.** The OCR got it right in 1997: “while the First Amendment may prohibit the school from restricting the right of students to express opinions… that may be considered derogatory, the school can take steps to denounce those opinions and ensure that competing views are heard.” **The harms inflicted by bullying and harassment are matters that can and should be taught in school; school officials already have informal and formal means of enforcing appropriate codes of conduct in school. Encouraging school officials to disregard their First Amendment obligations and the need to maintain schools as an environment for exploring opinions and ideas – even upsetting and offensive ones – will only create confusion, instigate litigation, and generally interfere with the ability of educators to do their job.** Efforts to prevent bullying and harassment can instead focus on positive educational and support programs, which are likely to be more successful in the long run than punitive approaches and will not exact the high price of restricting students’ other fundamental rights. “**Speech is powerful. It can stir people to action, move them to tears of both joy and sorrow, and … inflict great pain…. [W]e cannot react to that pain by punishing the speaker.** As a Nation we have chosen a different course — to protect even hurtful speech on public issues to ensure that we do not stifle public debate.” Snyder v. Phelps, 562 U.S. 443, \_\_\_, 131 S. Ct 1207, 1220 ([2011](http://www.supremecourt.gov/opinions/10pdf/09-751.pdf.)). **Even hateful speech can provide “teachable moments.” Students need all the instruction and guidance schools can give them to deal with these most sensitive and challenging issues, which they encounter both in and out of school.**

#### And, in order to have an ideological critique of problems that looks at the broader picture and institutional violence depend upon the affirmative as we target the specificity of violence. Claiming that methods are not compatible just stigmatizes allies of their movement. Only a combination of reducing free speech restrictions and a more ideological critique can address material conditions without validating systems of authority.

Friedersdorf ’15, [Conor Friedersdorf(), Free Speech on Campus Is Under Attack, Atlantic, 3-4-2016, 16, http://www.theatlantic.com/politics/archive/2016/03/the-glaring-evidence-that-free-speech-is-threatened-on-campus/471825/, 1-5-2017. SK]

The New Yorker that to avoid discussions of racism, critical observers of student protests at Yale and the University of Missouri “invoke a separate principle, one with which few would disagree in the abstract—free speech, respectful participation in class—as the counterpoint to the violation of principles relating to civil rights.” The fact that race controversies “have now been subsumed in a debate over political correctness and free speech on campus—important but largely separate subjects—is proof of the self-serving deflection to which we should be accustomed at this point,” he declares. Cobb calls these supposed diversions “victim-blaming with a software update,” and positing that they are somehow having the same effect as disparaging Trayvon Martin, he cites my article “The New Intolerance of Student Activism” as his prime example. He writes as if unaware that millions of Americans believe the defense of free speech and the fight against racism to be complementary causes, and not at odds with each other. **The false premises underpinning his analysis exacerbate a persistent, counterproductive gulf between the majority of those struggling against racism in the United States, who believe that First Amendment protections, rigorous public discourse, and efforts to educate empowered, resilient young people are the surest ways to a more just future, and a much smaller group that subscribes to a strain of thought most popular on college campuses.** READ FOLLOW-UP NOTES Readers, staffers, and other writers debate the campus controversies **Members of this latter group may be less opposed to speech restrictions; rely more heavily on stigma, call-outs, and norm-shaping in their efforts to combat racism**; **purport to target “institutional" and “systemic” racism**, **but often insist on the urgency of policing racism that is neither systemic nor institutional**, like Halloween costume choices; **focus to an unusual degree on getting validation from administrators and others in positions of authority**; and often seem unaware or unconvinced that others can and do share their ends while objecting to some of their means, the less rigorous parts of their jargon, and campus status-signaling. For this reason, **they spend a lot of time misrepresenting and stigmatizing allies**. Cobb misunderstands my motives, my body of work, and my article, which makes it doubly frustrating that he neglects to provide an outbound link to allow his readers to judge it for themselves. His erroneous assumptions render him less able to engage on this subject with millions who reject his ideology but are sympathetic to his concerns. Let me underscore how erroneous his assumptions are. His article is premised on the notion that my piece on Yale and others like one I wrote a day later on Missouri are part of a “diversion,” an attempt to avoid talking about racism through deflection. “The fault line here,” he posits, “is between those who find intolerance objectionable and those who oppose intolerance of the intolerant.” Of course, it’s far more consistent to find intolerance objectionable across the board, and to speak out against it especially when its targets have historically faced discrimination.

[creates a home and a community – inclusive rather than exclusive spaces for dialogue]:

<http://thesmartset.com/space-speech-and-subordination-on-the-college-campus/>

### Scenario 1 is Criminalization {short}

#### *This advantage will be about how restrictions on speech increase police crackdowns on students which (1) materially impacts people but also (2) is a form of discipline that is bad.*

#### Speech codes and the status quo serve to expand the already large campus bureaucracy and the campus disciplinary system which jeopardizes student potential.

Tolhurst ’16, [Michael Tolhurst(), The Spirit of Free Expression and Its Erosion on Campus, Charles Koch Institute, 8-16-2016, 16, https://www.charleskochinstitute.org/spirit-free-expression-erosion-campus/, 4-18-2017. SK]

The issue of free speech on campus has a long history beyond today’s disinvitation of speakers and shouting down of professors. In the 1960s, protests at the University of California, Berkeley, were in favor of free speech and against universities playing the role of parent. The issue rose again to prominence in the late 1980s and 1990s, when a series of books from figures as diverse as Jonathan Rauch, Alan Charles Kors, and Allan Bloom noted how the prioritization of political correctness could pose a threat to open inquiry. In Unlearning Liberty: Campus Censorship and the End of American Debate, Greg Lukianoff discusses the most recent incarnations of free speech concerns on campus and finds that censorship is alive and well at colleges and universities across America. Lukianoff’s position as president of the Foundation for Individual Rights in Education (FIRE), a non-profit organization committed to protecting the free speech rights of students on college campuses, has provided him with a plethora of censorship-related stories. Throughout the book, he identifies several recurring causes of reduced freedom of expression on **campus**, including **speech codes** (rules that either implicitly or explicitly restrict speech) **and free speech zones** (restrictions on where students can freely and spontaneously assemble). One example Lukianoff provides shows the concept of free speech zones taken to a ridiculous extreme: Texas Tech University instituted a “Free Speech Gazebo” (since removed), which restricted free expression to a small gazebo that required advance booking. Even though speech codes are often adopted to remedy particular ills (e.g., to ensure that students from minority groups feel welcome), the cost to free expression can be significant. Particularly if one considers, as Lukianoff does, that **administrators are often too eager to use speech codes to silence dissent that criticizes their actions**. **Combine** this **with** the often-Orwellian world of **the** campus disciplinary system, **which** frequently lacks any sort of due process, **and one arrives at a state of affairs much worse than the problem the code was meant to address**. As **these** **proceedings are opaque and carry significant consequences — ranging from suspension to expulsion — the potential harm to a student’s future is severe.** Another danger is **the merging of a culture that promotes diversity** at all costs **with an** ever-expanding campus bureaucracy. This has resulted in residence life programs — curricula taught by campus administrators in residence and dining halls — that seek to inculcate certain norms, but not in a fashion that fosters open debate. The demand for equality has also led some campuses to require that student groups be open to all — even to those whose beliefs are fundamentally at odds with the group’s purpose. This undermines students’ ability to freely associate within the civil society that is a campus community. Most troubling for Lukianoff is the increasing tendency of students to attempt to silence each other. Much of FIRE’s work, Lukianoff notes, has been defending students from the inept or malicious overreach of campus officials; but more recently, students themselves have been taking steps to restrict speech. This can take the form of trashing an entire issue of the campus newspaper or disinviting (or otherwise disrupting) campus speakers. Such incidents point toward a worrying cultural shift on campuses. Defending Free Speech Transcends Ideological Divides Lukianoff’s book is comparable to another famous work on campus culture that came out a generation ago, Allan Bloom’s 1987 Closing of the American Mind. Bloom’s work has long served as the comprehensive philosophical critique of the modern university, particularly on the right. (Charles Koch’s recent op-ed for The Wall Street Journal, wherein he discussed how campus censorship can have larger implications for social and technological progress, even references the work in its title.) Unlike Lukianoff, who only minimally speculates about the underlying cultural drivers of censorship, Bloom attempted to provide a broad explanation for the ills of the modern university. However, Bloom’s large strokes belie his personal prejudices. For example, Bloom famously (or infamously) held that rock music, as well as the malign influence of particular historical thinkers (such as Friedrich Nietzsche), were partially to blame for the decline of American culture. Lukianoff’s book is much better than Bloom’s in that it is informed by a broad and varied experience with actual students on actual campuses. Lukianoff does not make grand claims about campus culture beyond the evidence he has available. This includes Lukianoff’s reluctance to cast blame on any single group and his underlying sympathy for students. While he acknowledges that in recent years those on the left have increasingly been the ones suppressing speech on campus, Lukianoff cautions against drawing too strong a conclusion from this fact. In the past, left-leaning students and professors helped to broaden the diversity of views held on campuses and promoted free speech. Any attempt to portray the left as the primary enemy of free expression ignores the complicated history of campus censorship, in which friends and foes of free speech can be found on all sides of the ideological spectrum. At the same time that Berkeley students were protesting in favor of free speech, National Review’s Willmoore Kendall had this to say: “The classic attempt to defend freedom of speech as a compelling principle, applicable to all communities, that is, Mill’s famous Essay on Liberty, is a piece of bad political philosophy, and one that has done great harm.” However, today the same magazine routinely embraces the cause of free speech. Campus Censorship’s Larger Implications Unlearning Liberty illustrates the importance of, as well as the threats facing, free speech on campus. **College campuses**, which serve to educate young adults at a formative period in their lives, **should** seek to instill a spirit of critical inquiry, **not** to simply **indoctrinate students into** believing the “correct” views as understood by partisans of particular **ideological camps**. **This is** an **important** concern **for those who** value freedom and **reject authoritarian rule**. Throughout history, the freedom to speak and engage in critical debate has been central to all political, cultural, and scientific progress. The fact that this heritage might be lost is of grave concern. Furthermore, what happens on campus will not stay on campus. As students graduate, they will move on to live and work in the larger society. Habits of mind formed at the university will continue to inform how graduates grapple with the pressing issues of the day. The “coddling of the American mind,” as Lukianoff noted in a 2015 Atlantic article co-authored with psychologist Jonathan Haidt, does a disservice to students both in terms of their education and their mental health. Ultimately, **there are two different sets of habits a university can** attempt to **impart** on its students: **One leads to** critical inquiry and **the ability to thoughtfully question the status qu**o and think deeply about complicated matters; **the other,** which universities currently seem more and more in the business of providing, limits free thought and **encourages conformity**. SK

#### Current speech restrictions confirm – Bias Response Teams report speech they subjectively believe to be “biased” to campus authorities and police which leads to coercion under the threat of violence –impacts both professors and three million students.

Gabbay ’17, [Tiffany Gabbay(), Report: 70 Colleges Call The Cops On People Who Trigger 'Bias Incidents', Truth Revolt, 2-8-2017, 17, http://www.truthrevolt.org/news/report-70-colleges-call-cops-people-who-trigger-bias-incidents, 4-27-2017. SK]

Foundation for Individual Rights in Education (FIRE) released its first annual nationwide survey of college “**Bias Response Teams**” (BRTs) and their assaults on free speech. The findings, as you can imagine, are disturbing to say the least. "BRTs **encourage students to formally report on one another and on faculty members whenever they subjectively perceive that someone’s speech is 'biased**,'" states FIRE in an official press release. The 2017 Bias Response Team Report identified no less than **232 public and private American colleges and universities that maintain bias response programs**. **These programs impact the lives of nearly 3 million students**. "Inviting students to report a broad range of speech to campus authorities casts a chilling pall over free speech rights," said FIRE Senior Program Officer and Investigative Reporter Adam Steinbaugh. "**Bias response teams solicit reports of a wide range of constitutionally protected speech,** including speech about politics and social issues. **These sometimes-anonymous bias reports can result in interventions by conflict-wary administrators who then provide ‘education,**’ **often in the form of a verbal reprimand, or even explicit punishment."** 12 of the BRT teams "include at least one administrator dedicated to media relations," suggesting that the intent is to "deter and respond to controversies that might embarrass the institution. Even worse, **42 percent of these colleges and universities list law enforcement personnel among their BRT members**. "In other words, **literal speech police**," FIRE states. Yes, **42 percent of these institutions report 'bias speech' to members of law enforcement or campus security officers, which "works out to 70 schools that use the cops to warn or threat students, staff and faculty when they offend someone**," the FIRE states. SK

#### And, this leads to material violence against students. Turning over students to the police or administration leads to disproportionate incarceration of minorities, Black and Brown youth, and further fuels the school to prison pipeline.

Giroux ’15, [Henry A. Giroux(), Henry A. Giroux, Truthout, 11-11-2015, 15, http://www.truth-out.org/opinion/item/33604-terrorizing-students-the-criminalization-of-children-in-the-us-police-state, 4-27-2017. SK]

**Increasingly, institutions such as schools**, prisons, detention centers, and our major economic, cultural and social institutions **are being organized around the production of violence**. Rather than promote democratic values and a respect for others or embrace civic values, **they** often **function** largely **to** humiliate, **punish** and demonize any vestige of social responsibility. **Violence** permeates and drives foreign policy, dominates popular culture and increasingly **is used to criminalize a wide range of social behaviors, especially among Black people**. [9] The punishment "creep" that has moved from prisons to other public spheres now has a firm grip on both schools and the daily rituals of everyday life. **Violence functions** as a brutalizing practice used by the state **to squelch dissent, incarcerate poor people and people of color**, terrorize immigrants, **wage a war on minority youth** and menace individuals and groups **considered** disposable or **a threat**. Not only does **such violence** destroy the conditions and institutions necessary to develop a democratic polity, it also **accelerates abusive forms of punitiveness and control that extend from the prisons** to other institutions, such as schools. In this instance, violence becomes the ultimate force propagating what might be called punishment creep. **The punishment "creep" that has moved from prisons to other public spheres now has a firm grip on both schools and the daily rituals of everyday life.** Margaret Kimberley captures one instance of the racist underside of punishment creep. She writes: "Black people are punished for driving, for walking down the street, for having children, for putting their children in school, for acting the way children act, and even for having children who are killed by other people. We are punished, in short, because we still exist." [10] Violence in the United States has always been defined partly by a poisonous mix of chauvinism, exceptionalism and terrorism that runs through a history marked by genocidal assaults against Native Americans, the brutality of slavery and a persistent racism that extends from the horror of lynchings and chain gangs to current patterns of **mass incarceration**, which **subject many Black youth to the shameful dynamics of the school-to-prison-pipeline** and unprecedented levels of police abuse. Violence is the premier signature of what Ta-Nehisi Coates calls "The Dreamers," those individuals and groups who have "signed on, either actively or passively, to complicity in everything from police shootings to real estate redline, which crowds blacks into substandard housing in dangerous neighborhoods ... The Dream is about the totality of white supremacy in American history and its cumulative weight on African-Americans, and how one attempts to live with that." [11] In part, violence - whether produced by the state, corporations or racist individuals - is difficult to abstract from an expression of white supremacy, which functions as an index for demanding "the full privileges of the state." [12] Police violence against Black people has become highly visible and thrust into the national spotlight as a result of individuals recording acts of police abuse with their cell phones and other new technologies. In the last few years, there has been what seems like a torrent of video footage showing unarmed Black people being assaulted by the police. For instance, there is the shocking video of Walter Scott being shot in the back after fleeing from his car; Eric Garner dying as a result of being put in a chokehold by a white policeman who accused him of illegally selling cigarettes; the tragic killing of Freddie Gray, who, after making eye contact with a police officer, was put in a police van and purposely given a jarring ride that resulted in his death; and the unbearable shooting of 12-year-old Tamir Rice for playing with a pellet gun in the snow in a park. All of these deaths are morally indefensible and are symptomatic of the deep-seated racism and propensity for violence in many police forces in the United States. Yet, as Jeah Lee observes, while such crimes have attracted national attention, the "use of force by cops in schools … has drawn far less attention [in spite of the fact that] over the past five years at least 28 students have been seriously injured, and in one case shot to death, by so-called school resource officers - sworn, uniformed police assigned to provide security on k-12 campuses." [13] Increasingly, **as public schools hand over even routine disciplinary problems to the police, there is a proliferation of cops in schools.** There are over 17,000 school resource officers in more than half of the schools in the United States. [14] In spite of the fact that violence in schools has dropped precipitously, **school resource officers are the fastest-growing segment of law enforcement**. The Militarization of Schools In part, the militarizing of schools and the accompanying surge of police officers are driven by the fear of school shootings, particularly in the aftermath of the Columbine High School tragedy in 1999 and the massacre that took place at Sandy Hook Elementary School in 2013, both of which have been accentuated by the ever present wave of paranoia that followed the terrorist attacks of 9/11. [15] What advocates of putting police in the schools refuse to acknowledge is that the presence of the police in schools has done nothing to stop such mass shootings. While the fear of school shootings are overestimated, the fact remains that schools are still one of the safest places for children to be. Caught under the weight of a culture of fear and a rush to violence, many young people in schools are the most recent victims of a punishing state in a society that "remains in a state of permanent, endless war," a war that is waged through militarized policies at home and abroad. [16] Following Stanley Aronowitz, I think it is fair to argue that with "the breakdown of the mission of public schools … today's authorities no longer offer hope" to this generation of young people. One consequence is that "under the doctrine of control they threaten punishment, which includes, although it is not necessarily associated with, incarceration." [17] Violence against young people in schools is a troubling index of the loss of faith in young people and the transformation of school from a source of social and economic mobility to despotic testing institutions for most youth, and repressive holding centers, primarily for youth of color. [18] **The transformation of disciplinary problems into criminal violations has often resulted in absurd, if not tragic** **results**. What has become clear is that cops in schools have not made schools safer. Erik Eckholm, reporting for The New York Times, stated that judges, youth advocates, parents and other concerned citizens "are raising alarm about what they have seen in the schools where officers are already stationed: a surge in criminal charges against children for misbehavior that many believe is better handled in the principal's office." [19] In Texas, police officers have written "more than 100,000 misdemeanor tickets each year" and many of these students "face hundreds of dollars in fines, community service, and in some cases, a lasting record that could affect applications for jobs or the military." [20] The transformation of disciplinary problems into criminal violations has often resulted in absurd if not tragic results. For instance, in 2009, in Richardson, Texas "A 14-year old boy with Asperger's syndrome was given a $364 police citation for using an expletive in his classroom." [21] It gets even more ludicrous. A 12-year-old student in Stuart, Florida, was arrested in November 2008, for "disrupting a school function." The 'disruption' was that the student had "passed gas." [22]

#### And, the brink is now – police are beginning to mobilize against student protestors and the government and law enforcement alike are eager to criminalize students – Berkeley proves.

Glum 4/27/17, [Julia Glum(), Berkeley Mayor Jesse Arreguín says Ann Coulter protesters might see 'a more visible police presence', Newsweek, 4-27-2017, 17, http://www.newsweek.com/berkeley-ann-coulter-mayor-condemns-protests-590827, 4-27-2017. SK]

Either way, **protesters were beginning to organize.** That could be of particular concern to Arreguín, given that in February rowdy activists protesting former Breitbart editor Milo Yiannopoulos caused $100,000 worth of damage to the university and earlier this month about 20 people were arrested at a rally against President Donald Trump. Related Stories Ann Coulter Officially Nixes Berkeley Speech The Show Will Go on for Ann Coulter in Berkeley Berkeley Free Speech Alum Support Ann Coulter Event Arreguín is under scrutiny of his own after conservative media claimed he was a member of a Facebook group for the far-left group By Any Means Necessary. "Berkeley is about the free exchange of ideas, but that's not what's happening," he **[the mayor said]** told Mother Jones. "So I think **going forward we are going to need to have a more visible police presence at these incidents and intervene**." The university, meanwhile, has said it's prepared for what may come. **Berkeley police Capt.** Alex Yao **confirmed** at a news conference "**highly visible law enforcement" would be on hand** Thursday, according to the Associated Press. **Chancellor** Nicholas Dirks **released a statement** **urging students** and staff **to follow police instructions** and think critically about their actions. "Our campus will not tolerate acts of violence or the destruction of property in our community, **and UCPD will dutifully investigate, arrest and prosecute anyone who commits crimes on our campus**," he wrote. "Please take care of yourselves and each other." SK

UQ takeout?

<http://www.truthrevolt.org/news/tide-turning-more-colleges-denying-students-safe-spaces>

### Scenario 2 is Revolutionary Speech

**Seditious and anarchist speech is constitutionally protected -**

Pippala16 Bhanodai Pippala, 09-08-2016, ["Seditious Speech And The First Amendment", https://www.theodysseyonline.com/seditious-speech] MJC 2-15-2017

The standard to address seditious speech wasn't fully challenged until **[**is] the 1969 case of [Brandenburg v. Ohio.](http://www.casebriefs.com/blog/law/constitutional-law/constitutional-law-keyed-to-stone/freedom-of-expression/brandenburg-v-ohio-2/) Clarence Brandenburg was a local leader of the KKK and gave a speech which advocated for violence against minorities and Jews. Brandenburg's speech violated [Ohio's syndicalism law](http://law.jrank.org/pages/23050/Brandenburg-v-Ohio-Ohio-Criminal-Syndicalism-Law.html), and he was promptly arrested. The Supreme Court overturned Brandenburg's arrest and created a much greater threshold to restrict seditious speech by enacting the [imminent lawless action test](http://www.firstamendmentcenter.org/what-constitutes-imminent-lawless-action).The seditious speech could be curtailed only if it intended for an imminent criminal action to occur rather than just expressing "bad tendency."

#### Universities restrict anarchist speech in the squo – California proves

Davidson, Alexander. Degree Bachelor of Science in Journalism. California Polytechnic State University. June 2016. <http://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?article=1119&context=joursp>. “The Freedom of Speech in Public Forums on College Campuses: A Single-Site Case Study on Pushing the Boundaries of the Freedom of Speech”. 2-15-2017. JH.

Interviewer: Alexander Davidson Respondent: Professor in the Journalism Department, College of Liberal Arts, at California Polytechnic State University (Bill Loving) Date of Interview: 5/20/2016 AD: What kind of speech should ultimately be protected at California Polytechnic State University? BL: Well, it would be, of course, political speech. Alexander Meiklejohn proposed that speech that bears on the process of democracy should get the ultimate protection, moreso than speech that is not involved in the process of governing a country. But at the same time, pretty much all speech should be protected at California Polytechnic State University. AD: Would you include commercial speech? BL: Commercial speech does have First Amendment protection, just not as strong as noncommercial speech. Now because the university is a state institution, there may be limits as to what commercial speech would be allowed, if for no other reason than the apparent endorsement of the state for a particular product or service, but even with that, as long as it’s speech, it should be protected. The only speech that wouldn’t be protected are those categories of speech outside the protection of the First Amendment: Criminal speech, obscenity, incitement; those things have never been protected by the First Amendment so it seems to be working. AD: Should derogatory speech that’s considered something like hate speech be protected? BL: Are you talking about going up to someone and saying, ‘I’m attacking you and I’m using words’ or are you talking about using words that some people find to be degrading, harmful and insensitive? AD: I’d say both. BL: Well, incitement isn’t protected by the First Amendment so if someone wants to go pick a fight and incite lawless action, then they have to deal with incitement laws. Here’s the way I explain it to students. I grew up in the nascent period of the Civil Rights 77 movement. The same First Amendment that protected Dr. King is the same First Amendment that protected George Wallace and Lester Maddox. It protected Medgar Evers and it also protected the Grand Kleagle of the Ku Klux Klan. The First Amendment exists for unpopular speech, speech that it unordinary, speech that a lot of people think can cause great harm or even the destruction of society as we know it. But when we can protect speech on the fringes, then we can know that all other speech coming into the mainstream will be protected. So as an Asian American, I have had hateful words directed at me, I’ve heard hateful words directed toward my mother and to my brother. They weren’t always pleasant, but if we start to gag people, where do you stop? Right now there are folks in the country who say persons advocating for trans people to use their gender-identitied bathrooms is an attack on everybody and that it is “hate speech” to suggest that a “man” can go into a woman’s bathroom. The same thing with respect to same-gender marriage – some people say it’s “hate speech” because it’s attack the institution of marriage that they grew up with and they know. They’ll say, ‘it’s attacking my religion and my culture.’ So who’s hateful speech are you going to oppress? AD: Wasn’t that kind of the case in RAV where Scalia kind of says that you can’t stop one type of symbolic burning but not all others? BL: It wasn’t Scalia that said that, it was the concurrences. Scalia was only talking about elevating fighting words and giving them First Amendment protection, but in that case, it’s the same thing, yes. Who do you punish? In that case, it’s which is the speech that’s okay? If you say “oriental,” is that bad? If you say, “Asian,” is that better? Words change. I remember as a young person people saying, “The American negro should enjoy the same rights as everybody else.” And then Negro became a term that was pejorative. Black, African American. Things change as society changes so what are you going to do? AD: I’m sure you’re familiar with the Free Speech Wall put up by the Republicans on campus and how there was derogatory comments on the Muslim faith and also on gender identity. Should something like that be protected speech? BL: Yes. And it should be protected just as the people who responded to that speech with their own statements should be protected. Justice Louis Brandeis said that the fitting remedy for evil councils is good councils. That is to say if there is speech that you find abhorrent, then speak out about it. The First Amendment guarantees everybody’s right to express an opinion so if someone is expressing an opinion that you think is hateful, then you have the same right to go out and say, ‘I think this is hateful.’ You have the same right to make the argument as to why that speech isn’t true. And if your argument is sound, then you may win somebody over. If your argument is not sound, they might not be won over or they may be so intractable that no matter what you would say, they would never change. But it’s not just a debate in which the two speakers are engaged, it’s a debate that everybody participates. Everybody gets to see what you have to say compared to the other person and they can choose because we have a marketplace of ideas. The marketplace says that the way to find the truth is to see all versions of the truth and that seeing falsehoods helps us understand what is true. So, I tell a story in class about the story of Pocatello, Idaho. It had a public access channel and the public access channel 78 would allow anybody to come in and create a 30-minute cable show. And so there were shows on knitting, macramé and home canning – anything you wanted to talk about. A group of white separatists came down from the northern part of the state and they said, ‘oh, we’d like to have our own 30-minute show,’ and then they waited to see what would happen. A lot of people said, ‘you can’t let the white separatists get on the cable channel, they’ll say hateful things, they’ll be mean, they’ll be terrible, they’ll incite violence; don’t let them on.’ But the question was: How do you discriminate against that point of view when you haven’t discriminated against any point of view in the past? So the city fathers and mothers got together and the white separatists were expecting that they would be denied, which would make them First Amendment martyrs and demonstrate how the government really is against their point of view or their particular race. But that didn’t happen. Instead, the city said, ‘you may have your 30-minute cable program and we’re going to let anybody who wants to talk about what you have to say in your cable program have 30-minute programs before yours comes on and have 30-minute programs after yours comes on and great, everybody gets a say.’ That wasn’t what the white separatists were looking for. They were looking for controversy. They were looking for a way to say, ‘we’re being persecuted.’ So the day that they were supposed to show up and take the 30-minute program, nobody appeared because they didn’t get what they wanted. They wanted a symbolic victory over the forces arrayed against white people. Well, that was the best way to deal with that. If someone has a terrible idea, then counter that with a better idea or counter it with speech showing that it’s a terrible idea. AD: It makes sense. When I’ve looked at my research, that’s pretty much what I’ve found. A lot of the time when you have these terrible things that happen across campuses, you more times than not have people who stand up. You have one person doing something terrible and then you have a hundred people who gather the next day and say, ‘we’re not like that.’ But going off the derogatory speech, with the Crops house incident that happened, one thing they did is they hung a noose that was involved with their display, and I know that with cross burning, a part of the reason it can be banned is because of the historical context as far as being used to intimidate. Is something like the noose at the Crops house unprotected because there seems to be a historical context of intimidation? BL: Well, understand that the cross burning laws, the one that made it to the Supreme Court, Virginia v. Black, did not ban cross burning. It made putting up a cross on property where the public could see it a crime. It was the crime of intimidation because in the deep south, the Virginia Court is part of that, burning crosses were used by the KKK as a symbol of its power and a warning to people that if there was a burning cross, somebody was going to die. Under that special circumstance, the burning cross could be viewed as an act of intimidation. It didn’t say you couldn’t have a burning cross, it just said that if you burn a cross you are engaged in the criminal act of intimidating people. In California, we don’t have that history. In California, well, and in the west, in the west, yes, there was racism, a good deal of it directed at Asians, but we didn’t have the Klan as active and as violent as we had in the south. So it doesn’t mean the same thing. In the west, a noose means lynching somebody and people who got lynched weren’t always black or Hispanic. A lot of times it was the mob deciding that it would take justice into its own 79 hands because they either didn’t trust the system of they thought the system was taking too long. So the noose in and of itself isn’t that. You could make an argument that the noose represents suicide and it reminds people of loved ones who have killed themselves and therefore it’s hateful in that respect. So it doesn’t have the same history and so the effect isn’t as deeply felt. If they had a burning cross at the Crops house, yes it would be something that was viewed as hateful, but California didn’t have the lynchings, the beatings and the shootings that the south had so while it’s a symbol that’s an anathema to people, it’s not the symbol that it evokes the deep down primal fear that a burning cross in the south would. Now, you’ll notice that following the Crops house incident, a lot of people spoke up and they said, ‘we think this is not a good idea, we think, in fact, that this is hateful speech,’ and that’s exactly what the First Amendment exists for. Someone can say something and you can agree or disagree and your expression of agreement or disagreement is defining who you are and also helping to further a discussion with the hopes of winning people over to your side or at least getting people to consider things that they might not consider. AD: So how far can speech, I know that you’ve talked about the certain categories of speech that isn’t provided the protection given by the First Amendment, but how far can speech be pushed before it is considered unprotected? BL: Well, how far is the limit of a statute, the judgment of the judge, that of the jury and then the appellate courts and we’ve been really sensitive at different times in our history. We were afraid of anarchists and so we made speech about anarchy a crime. We were afraid of communists so we made speech or action about communism a crime. We were afraid of fascists. We get scared of a lot of things and then we criminalize them and then decades later we realize that we went overboard. Every so often I think we’ve progressed and we’ve gotten better and then something comes up and we’re back to the same old caveman fear-reaction and rather than figure out what’s going on we will just make it a crime and put those people away where they can’t make us upset. So, how far can speech go? It depends on the circumstances, it depends on how society has defined crimes and it depends upon the good sense of people. Good sense of people, very often, isn’t good.

#### Colleges restrict any anti-state speech, even anti-colonialist speech – it impacts back to the framework and has a material impact of police crackdowns and firing of minority professors.

Khan ’15, [Tariq. Professor at NYU. 10-28-15. MASKING OPPRESSION AS “FREE SPEECH”: AN ANARCHIST TAKE. Anarchist Agency. <http://www.anarchistagency.com/commentary/masking-oppression-as-free-speech-an-anarchist-take/> JH. 2-17-2017.]

Yet, while **students who protest imperialist discourse are characterized as a threat to free speech**, the actual threat to free speech in academia goes unchallenged by leading media outlets.[2] October 8, 2015, at the Community College of Philadelphia, English **professor Divya Nair** spoke at a rally organized by students in protest of police recruiters on campus. The students and Professor Nair **drew connections between colonialism and modern US policing**; particularly the police tactic of recruiting poor people of color to act as the capitalist state’s foot-soldiers to control poor Black and Brown communities. **Later** that day, **school authorities suspended Professor Nair** without pay, and they have since suspended three student group members who are facing disciplinary hearings. In the past few years **there has been a noticeable campus crackdown on anti-colonialist expression**. Last year the American Indian Studies Program at the University of Illinois, Urbana-Champaign hired Professor Steven Salaita, known for his comparative studies of US settler colonialism in the Americas and Israeli settler colonialism in Palestine. Under pressure from wealthy donors, Israel lobby groups, and establishment politicians, the Chancellor and the Board of Trustees stepped in – against the wishes of the American Indian Studies Program – and “unhired” Salaita, citing the supposedly “uncivil” tweets he posted criticizing Israel’s indiscriminate killing of civilians – including over 500 children – in Gaza last year. Several law-makers, Israel lobbyists, and campus authorities have likewise been working to silence the growing BDS (Boycott, Divestment, and Sanctions) movement against Israeli apartheid. Anti-colonialist students have also faced silencing and punishment. For example, earlier this semester at Cal State Sacramento, sophomore Chiitaanibah Johnson (Navajo/Maidu) was belittled and told by her professor that she was expelled from his US history course after she quite correctly challenged his assertion that the United States did not carry out genocidal anti-Indian policies. All of these cases and many other similar ones resonate with my own experience. Ten years ago, when I was an undergraduate at George Mason University, I was violently attacked by vigilantes and police for protesting military recruiters on campus. Right-wing students called me a “pussy” and a “faggot,” and ripped the anti-militarist sign off of my chest. Vigilantes held me down to “assist” the officers in brutalizing and handcuffing me. When the police saw my foreign name, they decided I was a terrorist. One officer blamed me for 9-11. Another officer yelled at me, “You people are the most violent people in the world.” An officer threatened to hang me upside-down from the ceiling in my jail cell for “running my mouth.” Even though I was a student at the university, **the police charged me with trespassing and disorderly conduct.** At first, University officials defended the police’s actions by saying I “was considered to be distributing literature.” In spite of the fact that the most egregious violations of free speech and academic freedom are committed in service to right-wing and establishment interests higher on the social hierarchy than students and professors, there is a highly problematic narrative proliferating in the United States; that today’s college students are “oversensitive” or “too politically correct” and that this supposed oversensitivity is leading to a crackdown on free speech and academic freedom. Both conservatives and liberals have perpetuated this false narrative. Conservative columnist George Will complained that the right of thin-skinned liberals “to never be annoyed” has become “a new campus entitlement.” In a popular Vox article titled “I’m a Liberal Professor, and my Liberal Students Terrify Me,” a college professor using the pseudonym Edward Schlosser complained about a climate of fear in academia caused by an overemphasis on the “safety and comfort” of students from historically marginalized groups.SK

#### Anarchist speech is uniquely good – we do not defend the rhetoric of rights or legitimize the state but rather are the principle and rhetoric that allow us to challenge the discipline and control of the state. Also, free speech gives individuals the common language to build coalitions for better solutions to problems.

CrimeThink ’17, [Crimethinc. Ex-Workers Collective(), This Is Not a Dialogue, CrimethInc., xx-xx-xxxx, xx, https://crimethinc.com/2017/01/26/this-is-not-a-dialogue-not-just-free-speech-but-freedom-itself, 2-17-2017. SK]

There appears to be a broad consensus in the US political spectrum in favor of the right to free speech. While opponents may quibble over the limits, such as what constitutes obscenity, pundits from left to right agree that free speech is essential to American democracy. Appeals to this tradition of unrestricted expression confer legitimacy on groups with views outside the mainstream, and both fascists and radicals capitalize on this. Lawyers often defend anarchist activity by referencing the First Amendment’s provision preventing legislation restricting the press or peaceable assembly. We can find allies who will support us in free speech cases who would never support us out of a shared vision of taking direct action to create a world free of hierarchy. **The rhetoric of free speech and First Amendment rights give us a common language with which to broaden our range of support and make our resistance more comprehensible to potential allies, with whom we may build deeper connections over time**. But at what cost? This discourse of rights seems to imply that the state is necessary to protect us against itself, as if it is a sort of Jekyll and Hyde split personality that simultaneously attacks us with laws and police and prosecutors while defending us with laws and attorneys and judges. If we accept this metaphor, it should not be surprising to find that the more we attempt to strengthen the arm that defends us, the stronger the arm that attacks us will become. **Once freedom is defined as an assortment of rights granted by the state, it is easy to lose sight of the actual freedom** those rights are meant to protect and focus instead on the rights themselves—implicitly accepting the legitimacy of the state. Thus, when we build visibility and support by using the rhetoric of rights, we undercut the possibility that we will be able to stand up to the state itself. We also open the door for the state to impose others’ “rights” upon us. The Civil Liberties Defense In the US, many take it for granted that it is easier for the state to silence and isolate radicals in countries in which free speech is not legally protected. If this is true, who wouldn’t want to strengthen legal protections on free speech? In fact, in nations in which free speech is not legally protected, radicals are not always more isolated—on the contrary, the average person is sometimes more sympathetic to those in conflict with the state, as it is more difficult for the state to legitimize itself as the defender of liberty. Laws do not tie the hands of the state nearly so much as public opposition can; given the choice between legal rights and popular support, we are much better off with the latter. One dictionary defines civil liberty as “the state of being subject only to laws established for the good of the community.” This sounds ideal to those who believe that laws enforced by hierarchical power can serve the “good of the community”—but who defines “the community” and what is good for it, if not those in power? In practice, the discourse of civil liberties enables the state to marginalize its foes: if there is a legitimate channel for every kind of expression, then those who refuse to play by the rules are clearly illegitimate. Thus we may read this definition the other way around: under “civil liberty,” all laws are for the good of the community, and any who challenge them must be against it. Focusing on the right to free speech, we see only two protagonists, the individual and the state. Rather than letting ourselves be drawn into the debate about what the state should allow, anarchists should focus on a third protagonist—the general public. We win or lose our struggle according to how much sovereignty the populace at large is willing to take back from the state, how much intrusion it is willing to put up with. **If we must speak of rights at all, rather than argue that we have the right to free speech let us simply assert that the state has no right to suppress us**. Better yet, let’s develop another language entirely. Free Speech and Democracy… The discourse of free speech in democracy presumes that no significant imbalances of power exist, and that **the primary mechanism of change is rational discussion**. In fact, a capitalist elite controls most resources, and power crystallizes upward along multiple axes of oppression. Against this configuration, it takes a lot more than speech alone to open the possibility of social change. There can be no truly free speech except among equals—among parties who are not just equal before the law, but who have comparable access to resources and equal say in the world they share. Can an employee really be said to be as free to express herself as her boss, if the latter can take away her livelihood? Are two people equally free to express their views when one owns a news network and the other cannot even afford to photocopy fliers? In the US, where donations to political candidates legally constitute speech, the more money you have, the more “free speech” you can exercise. As the slogan goes, freedom isn’t free—and nowhere is that clearer than with speech. Contrary to the propaganda of democracy, ideas alone have no intrinsic force. Our capacity to act on our beliefs, not just to express them, determines how much power we have. In this sense, the “marketplace of ideas” metaphor is strikingly apt: you need capital to participate, and the more you have, the greater your ability to enact the ideas you buy into. Just as the success of a few entrepreneurs and superstars is held up as proof that the free market rewards hard work and ingenuity, the myth of the marketplace of ideas suggests that the capitalist system persists because everyone—billionaire and bellboy alike—agrees it is the best idea. …So Long as You Don’t Do Anything But what if, despite the skewed playing field, someone manages to say something that threatens to destabilize the power structure? If history is any indication, it swiftly turns out that freedom of expression is not such a sacrosanct right after all. In practice, we are permitted free speech only insofar as expressing our views changes nothing. The premise that speech alone cannot be harmful implies that speech is precisely that which is ineffectual: therefore anything effectual is not included among one’s rights. During World War I, the Espionage Act criminalized any attempt to “cause insubordination, disloyalty, mutiny, [or] refusal of duty” or to obstruct recruiting for the armed forces. President Woodrow Wilson urged the bill’s passage because he believed antiwar activity could undermine the US war effort. Alexander Berkman and Emma Goldman were arrested under this law for printing anarchist literature that opposed the war. Likewise, the Anarchist Exclusion Act and the subsequent Immigration Act were used to deport or deny entry to any immigrant “who disbelieves in or who is opposed to all organized government.” Berkman, Goldman, and hundreds of other anarchists were deported under these acts. There are countless other examples showing that when speech can threaten the foundation of state power, even the most democratic government doesn’t hesitate to suppress it. Thus, when the state presents itself as the defender of free speech, we can be sure that this is because our rulers believe that allowing criticism will strengthen their position more than suppressing it could. Liberal philosopher and ACLU member Thomas Emerson saw that freedom of speech “can act as a kind of ‘safety valve’ to let off steam when people might otherwise be bent on revolution.” Therein lies the true purpose of the right to free speech in the US. Not Free Speech, but Freedom Itself Obviously, **anarchists should not organize against free speech**. But the stranglehold of the state on the discourse of free speech seems to set the terms of the debate: either we condone censorship, or we condone state protection of our enemies and their right to organize against us and others. This results in paradoxes, such as radicals being accused of opposing freedom for shutting down a fascist speaker. In contrast to state protection of KKK rallies and the like, there are models of free expression that neither depend upon the enforcement of rights from above nor sanction oppressive behavior. **Anarchists** might **judge speech** not as something fundamentally different from action, but **as a form of action**: when it harms others, when it reinforces hierarchies and injustices, we confront it the same way we would confront any other kind of abuse or oppression. This is simply self-defense. When a xenophobic politician comes to speak at a public university, his honorarium is paid with tax money extorted from workers and given to universities so it will continue to circulate among the rich and powerful. Regardless of right-wing whining about the marginalization of conservative opinions, the fact that he is powerful enough to secure lucrative speaking engagements indicates that his views are hardly suppressed. As a wealthy white citizen and public figure, his opportunity to express himself can’t reasonably be compared to the opportunity of, say, the immigrants he scapegoats. If their voices and agency actually held equal weight, the politician could say whatever he wanted, but would be powerless to subject others to his schemes. **When we confront** him directly rather than politely disagreeing, **we’re** not attacking his right to express his opinions. We’re **confronting** the **special advantages** he is accorded: **taxpayer money, police protection, an exclusive soapbox**. We’re confronting the power he wields over our lives through institutions built on violence, a power he means to extend by using speaking events to gain wealth, legitimacy, and recruits to his racist endeavors. **Confronting** him **is a political practice that** does not reduce freedom to rights, but **challenges the privileges of the state**—that makes no false dichotomy between speech and action, but judges both by the same standards—**that does not enable the state to frame itself as the defender of free speech, but asserts that we are the only ones who can defend and extend our own freedom**. SK

## 1AC – {in progress}

### FW v 1 {w/ Bleiker}

#### The 1AC is a criticism of the status quo, where students are ruled by fear, subject to the violence which follows the imposition of the concept of *discipline* into school spaces. We must combat the fear of rules of norms which bind us down – the role of the judge as an intellectual with the power to determine truth or falsity within the debate space and transform the discursive space is to vote for the method that best challenges disciplinary apparatus’.

Giroux ’13, [Henry A. Giroux | Violence, USA: The Warfare State and the Brutalizing of Everyday Life Wednesday, 02 May 2012 10:03 By Henry A. Giroux, Truthout | Op-Ed. SK]\\safe **Even public school reform is now justified in the dehumanizing language of national security, which increasingly legitimates the trans- formation of schools into adjuncts of the surveillance and police state**. '3 **The privatization and militarization of schools mutually inform each other as students are increasingly subjected to** disciplinary apparatuses that limit their capacity for critical thinking **while molding them** into consumers, testing them into submission, **stripping them of** any sense of social responsibility, and convincing large numbers of poor minority students that they are better off under the jurisdiction of the criminal justice system instead of being treated as valued members of the public schools. Schools are increasingly absorbing the culture of prisons and are aggressively being transformed into an extension of the criminal justice system. Many public schools are being militarized to resemble prisons instead of being safe places that would enable students to learn how to be critical and engaged citizens. Rather than being treated with dignity and respect, students are increasingly treated as if they were criminals, given that they are repeatedly "photographed, fingerprinted, scanned, x-rayed, sniffed and snooped on."" As I mentioned in chapter 2, the space of the school resembles a high-security prison with its metal detectors at the school entrances, drug-sniï¬‚ing dogs in school corri- dors, and surveillance cameras in the hallways and classrooms. Student behaviors that were once considered child play are now elevated to the status of a crime. Young people who violate dress codes, engage in food fights, hug each other, doodle, and shoot spit wads are no longer repri- manded by the classroom teacher or principal; instead their behavior is criminalized. Consequently, the police are called in to remove them is criminalized. Consequently, the police are called in to remove them from the classroom, handcuff them, and put them in the back of a police car to be carted off to a police station where they languish in a holding cell. There is a kind of doubling that takes place here between the culture of punishment, on the one hand, and the feeding of profits for the security-surveillance industries. What has emerged in the United States is a civil and political order structured around the problem of violent crime. This governing- through-crime model produces a highly authoritarian and mechanistic approach to addressing social problems that often focuses on low- income and poor minorities, promotes highly repressive policies, and places undue emphasis on personal security rather than considering the larger complex of social and structural forces that fuels violence in the first place. Far from promoting democratic values, a respect for others, and social responsibility, a governing-through-crime approach criminalizes a wide range of behaviors and in doing so often functions largely to humiliate, punish, and demonize. "lhe abuse and damage that criminalizes a wide range of behaviors and in doing so often functions largely to humiliate, punish, and demonize. The abuse and damage that is being imposed on young people as a result of the ongoing militariza- tion and criminalization of public schools defy the imagination. And ;';.':;~.n='.~m':' 74 AMERICA'S EDUCATION DEFICIT AND THE WAR ON the trivial nature of the behaviors that produce such egregious prac- tices is hard to believe. A few examples will suffice: In November 2011, a 14-year-old student in Brevard County, Florida, was suspended for hugging a female friend, an act which even the principal acknowledged as innocent. A 9-year-old in Charlotte, North Carolina, was suspended for sexual harassment after a substitute teacher overheard the child tell another student that the teacher was "cute." A 6-year-old in Georgia was arrested, handcuffed and suspended for the remainder of the school year after throwing a temper tantrum in class. A 6-year-old boy in San Francisco was accused of sexual assault following a game of tag on the playground. A 6-year-old in Indiana was arrested, handcuffed and charged with battery after kicking a school principal. Twelve- year-old Alexa Gonzalez was arrested and handcuffed for doodling on a desk. Another student was expelled for speaking on a cell phone with his mother, to whom he hadn't spoken in a month because she was in Iraq on a military deployment. Four high school students in Detroit were arrested and handcuffed for participating in a food fight and charged with a misdemeanor with the potential for a 90-day jail sentence and a $500 fine. A high school student in Indiana was expelled after sending a profanity-laced tweet through his Twitter account after school hours. The school had been con- ducting their own surveillance by tracking the tweeting habits of all students. These are not isolated incidents. In 2010, some 300,000 Texas schoolchildren received misdemeanor tickets from police officials. One 12-year-old Texas girl had the police called on her after she sprayed perfume on herself during class." **Public spaces that should promote dialogue, thoughtfulness, and critical exchange are** ruled by fear **and become the ideological corol- lary of a state that aligns its priorities to war** and munitions sales while declaring a state of emergency (under the aegis of a permanent war) as a major reference for shaping domestic policy. **In addition, the media and other cultural apparatuses now** produce, circulate, and **validate forms of** symbolic and real violence **that dissolve the democratic** bonds of social reciprocity. **This dystopian use of violence** as enter- tainment and spectacle **is reinforced through the media's incessant appeal to the** market-driven **egocentric interests of the autonomous individual, a fear of the Other, and a stripped-down version of secu- rity that narrowly focuses on personal safety** rather than collective security nets and social welfare. One consequence is that **those who are viewed as disposable and reduced to zones of abandonment are forced "to address the reality of extreme violence** . . . **in the very heart of their everyday life**."'Â° Violence in everyday life is matched by a surge of violence in popular culture. Violence now runs through media and popular culture like an electric current. As the New York Times reported recently, "The top-rated show on cable TV is rife with shoot- ings, stabbings, machete attacks and more shootings. The top drama at the box office fills theaters with the noise of automatic weapons fire. The top-selling video game in the country gives players the choice to kill or merely wound their quarry.""' SK

#### The impacts are multifold – disciplinary apparatus’ push students into the new zone of exclusion – they are viewed as disposable and suffer symbolic and real violence that mirrors a dystopia but parallels reality – this leads to securitization, dehumanization, consumerism, alienation and violence against students.

**It is not sufficient to reject terminal forms of power like “classism” or “anti-blackness” because these criticisms neglect the underlying forces that engender systems of domination – Instead we resist power specifically to the sphere that they operate in. Terminal instances of power stem from the systemic formation of overlapping disciplinary structures – the task of the revolutionary is to address specific instances so as to unravel larger hegemonic structures**

Atterton, philosophy professor**,** University of California San Diego, HISTORY OF THE HUMAN SCIENCES JOURNAL, 1994, p. http://www.acusd.edu/~atterton/Publications/foucault.htm.

Foucault considers all these are possible, with appropriate reservations and qualifications: "Are there no great radical ruptures, massive binary divisions, then? Occasionally, yes. But more often o[O]ne is dealing with mobile and transitory points of resistance, producing cleavages in a society... Jjust as a network of power relations ends by forming a dense web that passes through apparatuses and institutions, without being exactly llocalized in them, so too the swarms of points of resistance traverses social stratifications and individual unities. And it is doubtless the strategic codification of tthese points of resistance that makes a revolution possible, somewhat similar to the way in which the state relies on the institutional integration of power relationships."

#### The emergence of totalitarian control originates from various disciplinary apparatuses that insidiously crystallize systems of hegemony. Restructuring of the political occurs through the deconstruction of disciplinary mechanisms – the specificity and thoroughness of regulations intensify the machinations of power which attempt to meticulously control individuals’ lives.

Foucault Foucault, Michel. Discipline and Punish: The Birth of the Prison. New York: Vintage Books, 1979. Print

The ‘invention\* of this new political anatomy must not be seen as a sudden discovery. It is rather a multiplicity of often minor processes, of different origin and scattered location, which overlap, repeat, or imitate one another, support one another, distinguish themselves from one another according to their domain of applica­ tion, converge and gradually produce the blueprint of a general method. They were at work in secondary education at a very early date, later in primary schools; they slowly invested the space of the hospital; and, in a few decades, they restructured the military organization. They sometimes circulated very rapidly from one point to another (between the army and the technical schools or secondary schools), sometimes slowly and discreetly (the insidious militarization of the large workshops). On almost every occasion, they were adopted in response to particular needs: an industrial innovation, a renewed outbreak of certain epidemic diseases, the invention o f the rifle or the victories o f Prussia. This did not prevent them being totally inscribed in general and essential transforma­ tions, which we must now try to delineate.¶ There can be no question here of writing the history of the different disciplinary institutions, with all their individual differ­ ences\* I simply intend to map on a series of examples some of the essential techniques that most easily spread from one to another. These were always meticulous, often minute, techniques, but they had their importance: because they defined a certain mode of detailed political investment of the body, a 'new micro-physics\* of power; and because, since the seventeenth century, they had constantly reached out to ever broader domains, as if they tended to cover the entire social body. Small acts of cunning endowed with a great power of diffusion, subtle arrangements, apparently innocent, but profoundly suspicious, mechanisms that obeyed economies too shameful to be acknowledged, or pursued petty forms of coercion — it was nevertheless they that brought about the mutation of the punitive system, at the threshold of the contemporary period. De­ scribing them will require great attention to detail: beneath every set¶ of figures, we must seek not a meaning, but a precaution; we must situate them not only in the inextricability of a functioning, but in the coherence of a tactic. They are the acts of cunning, not so much of the greater reason that works even in its sleep and gives meaning to the insignificant, as of the attentive 'malevolence\* that turns everything to account. Discipline is a political anatomy of detail. Before we lose patience we would do well to recall the words of Marshal de Saxe: ‘Although those who concern themselves with details are regarded as folk of limited intelligence, it seems to me that this part is essential, because it is the foundation, and it is impossible to erect any building or establish any method without understanding its principles. It is not enough to have a liking for architecture. One must also know stone-cutting\* (Saxe, 5). There is a whole history to be written about such 'stone-cutting’ - a history of the utilitarian rationalization of detail in moral accountability and political control. The classical age did not initiate it; rather it accelerated it, changed its scale, gave it precise instruments, and perhaps found some echoes for it in the calculation of the infinitely small or in the description of the most detailed characteristics of natural beings. In any case, ‘detail\* had long been a category of theology and asceticism: every detail is important since, in the sight of God, no immensity is greater than a detail, nor is anything so small that it was not willed by one of his individual wishes. In this great tradition of the eminence of detail, all the minutiae of Chris­ tian education, of scholastic or military pedagogy, all forms of ‘training' found their place easily enough. For the disciplined man, as for the true believer, no detail is unimportant, but not so much for the meaning that it conceals within it as for the hold it provides for the power that wishes to seize it. Characteristic is the great hymn to the ‘little things' and to their eternal importance, sung by Jean- Baptiste de La Salle, in his Traitd sur les obligations des freres des licoles chretiennes. The mystique of the everyday is joined here with the discipline of the minute. 'How dangerous it is to neglect little things. It is a very consoling reflection for a soul like mine, little disposed to great actions, to think that fidelity to little things may, by an imperceptible progress, raise us to the most eminent sanctity: because little things lead to greater \* . . Little things; it will be said, alas, my God, what can we do that is great for you, weak and mortal creatures that we are. Little things; if great things presented them­ selves would we perform them? Would we not think them beyond our strength? Little things; and if God accepts them and wishes to receive them as great things? Little things; has one ever felt this? Does one judge according to experience? Little things; one is cer­ tainly guilty, therefore, if seeing them as such, one refuses them? Little things; yet it is they that in the end have made great saints! Yes, little things; but great motives, great feelings, great fervour, great ardour, and consequently great merits, great treasures, great rewards' (La Salle, Traite . . ., 238-9). The meticulousness of the regulations, the fussiness of the inspections, [and] the supervision of the smallest fragment of life and of the body will soon provide, in the context of the school, the barracks, the hospital or the workshop, a laicized content, an economic or technical rationality for this mystical calculus of the infinitesimal and the infinite. And a History of Detail in the eighteenth century, presided over by Jean-Baptiste de La Salle, touching on Leibniz and Buffon, via Frederick II, covering pedagogy, medicine, military tactics and economics, should bring us, at the end of the century, to the man who dreamt of being another Newton, not the Newton of the immensities of the heavens and the planetary masses, but a Newton of ‘small bodies’, small movements, small actions; to the man who replied to Monge’s remark, ‘there was only one world to discover\*: ‘What do I hear? But the world of details, who has never dreamt of that other world, what of that world? I have believed in it ever since I was fifteen. I was concerned with it then, and this memory lives within me, as an obsession never to be abandoned. . . That other world is the most important of all that I flatter myself I have dis­ covered: when I think of it, my heart aches’ (these words are attributed to Bonaparte in the Introduction to Saint-Hilaire\*s Notions synthetiques et historiques de philosophic naturelie). Napoleon did not discover this world; but we know that he set out to organize it; and he wished to arrange around him a mechanism of power that¶ would enable him to see the smallest event that occurred in the state he governed; he intended, by means of the rigorous discipline that he imposed, ‘to embrace the whole of this vast machine without the slightest detail escaping his or her attention\* (Treilhard, 14).¶ A meticulous observation of detail, and at the same time a political awareness of these small things, for the control and use of men, emerge through the classical age bearing with them a whole set of techniques, a whole corpus of methods and knowledge[.], descriptions, plans and data. And from such trifles, no doubt, the man of modern humanism was born.1

#### Thus, the 1AC retracts away from the disciplinary power of discursive policing and ruling intellectual exchange which does not engender the debate onto one concept of what topic is useful.

**Bleiker explains,**  
Bleiker 2000 [Roland, Senior Lecturer at the University of Queensland, *Popular Dissent, Human Agency, and Global Politics*, pgs 18-19]

**Gazing beyond the boundaries of disciplinary knowledge is necessary to open up questions of traversal dissent and human agency. Academic disciplines**, by virtue of what they are, **discipline the production and diffusion of knowledge. They establish the rules of intellectual exchange and define the methods**, techniques, and instruments **that are** considered **proper for this purpose. Such conventions not only suggest on what ground things can be studied legitimately, but also decide what issues are worthwhile** to be assessed in the first place. **Thus, as soon as one addresses academic disciplines on their own terms, one has to play according to the rules of a discursive “police” which is reactivated each time one speaks.** In this case, **one cuts off any innovative thinking spaces that exist on the other side of this margin.**

Thus the standard is to **retract from the disciplinary power of academic spaces.**

### FW v 2 {w/o Bleiker}

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Consequently, the police are called in to remove them is criminalized. Consequently, the police are called in to remove them from the classroom, handcuff them, and put them in the back of a police car to be carted off to a police station where they languish in a holding cell. There is a kind of doubling that takes place here between the culture of punishment, on the one hand, and the feeding of profits for the security-surveillance industries. What has emerged in the United States is a civil and political order structured around the problem of violent crime. This governing- through-crime model produces a highly authoritarian and mechanistic approach to addressing social problems that often focuses on low- income and poor minorities, promotes highly repressive policies, and places undue emphasis on personal security rather than considering the larger complex of social and structural forces that fuels violence in the first place. Far from promoting democratic values, a respect for others, and social responsibility, a governing-through-crime approach criminalizes a wide range of behaviors and in doing so often functions largely to humiliate, punish, and demonize. "lhe abuse and damage that criminalizes a wide range of behaviors and in doing so often functions largely to humiliate, punish, and demonize. The abuse and damage that is being imposed on young people as a result of the ongoing militariza- tion and criminalization of public schools defy the imagination. And ;';.':;~.n='.~m':' 74 AMERICA'S EDUCATION DEFICIT AND THE WAR ON the trivial nature of the behaviors that produce such egregious prac- tices is hard to believe. A few examples will suffice: In November 2011, a 14-year-old student in Brevard County, Florida, was suspended for hugging a female friend, an act which even the principal acknowledged as innocent. A 9-year-old in Charlotte, North Carolina, was suspended for sexual harassment after a substitute teacher overheard the child tell another student that the teacher was "cute." A 6-year-old in Georgia was arrested, handcuffed and suspended for the remainder of the school year after throwing a temper tantrum in class. A 6-year-old boy in San Francisco was accused of sexual assault following a game of tag on the playground. A 6-year-old in Indiana was arrested, handcuffed and charged with battery after kicking a school principal. Twelve- year-old Alexa Gonzalez was arrested and handcuffed for doodling on a desk. Another student was expelled for speaking on a cell phone with his mother, to whom he hadn't spoken in a month because she was in Iraq on a military deployment. Four high school students in Detroit were arrested and handcuffed for participating in a food fight and charged with a misdemeanor with the potential for a 90-day jail sentence and a $500 fine. A high school student in Indiana was expelled after sending a profanity-laced tweet through his Twitter account after school hours. The school had been con- ducting their own surveillance by tracking the tweeting habits of all students. These are not isolated incidents. In 2010, some 300,000 Texas schoolchildren received misdemeanor tickets from police officials. One 12-year-old Texas girl had the police called on her after she sprayed perfume on herself during class." **Public spaces that should promote dialogue, thoughtfulness, and critical exchange are** ruled by fear **and become the ideological corol- lary of a state that aligns its priorities to war** and munitions sales while declaring a state of emergency (under the aegis of a permanent war) as a major reference for shaping domestic policy. **In addition, the media and other cultural apparatuses now** produce, circulate, and **validate forms of** symbolic and real violence **that dissolve the democratic** bonds of social reciprocity. **This dystopian use of violence** as enter- tainment and spectacle **is reinforced through the media's incessant appeal to the** market-driven **egocentric interests of the autonomous individual, a fear of the Other, and a stripped-down version of secu- rity that narrowly focuses on personal safety** rather than collective security nets and social welfare. One consequence is that **those who are viewed as disposable and reduced to zones of abandonment are forced "to address the reality of extreme violence** . . . **in the very heart of their everyday life**."'Â° Violence in everyday life is matched by a surge of violence in popular culture. Violence now runs through media and popular culture like an electric current. As the New York Times reported recently, "The top-rated show on cable TV is rife with shoot- ings, stabbings, machete attacks and more shootings. The top drama at the box office fills theaters with the noise of automatic weapons fire. The top-selling video game in the country gives players the choice to kill or merely wound their quarry.""' SK

#### The impacts are multifold – disciplinary apparatus’ push students into the new zone of exclusion – they are viewed as disposable and suffer symbolic and real violence that mirrors a dystopia but parallels reality – this leads to securitization, dehumanization, consumerism, alienation and violence against students.

**It is not sufficient to reject terminal forms of power like “classism” or “anti-blackness” because these criticisms neglect the underlying forces that engender systems of domination – Instead we resist power specifically to the sphere that they operate in. Terminal instances of power stem from the systemic formation of overlapping disciplinary structures – the task of the revolutionary is to address specific instances so as to unravel larger hegemonic structures**

Atterton, philosophy professor**,** University of California San Diego, HISTORY OF THE HUMAN SCIENCES JOURNAL, 1994, p. http://www.acusd.edu/~atterton/Publications/foucault.htm.

Foucault considers all these are possible, with appropriate reservations and qualifications: "Are there no great radical ruptures, massive binary divisions, then? Occasionally, yes. But more often o[O]ne is dealing with mobile and transitory points of resistance, producing cleavages in a society... Jjust as a network of power relations ends by forming a dense web that passes through apparatuses and institutions, without being exactly llocalized in them, so too the swarms of points of resistance traverses social stratifications and individual unities. And it is doubtless the strategic codification of tthese points of resistance that makes a revolution possible, somewhat similar to the way in which the state relies on the institutional integration of power relationships."

#### The emergence of totalitarian control originates from various disciplinary apparatuses that insidiously crystallize systems of hegemony. Restructuring of the political occurs through the deconstruction of disciplinary mechanisms – the specificity and thoroughness of regulations intensify the machinations of power which attempt to meticulously control individuals’ lives.

Foucault Foucault, Michel. Discipline and Punish: The Birth of the Prison. New York: Vintage Books, 1979. Print

The ‘invention\* of this new political anatomy must not be seen as a sudden discovery. It is rather a multiplicity of often minor processes, of different origin and scattered location, which overlap, repeat, or imitate one another, support one another, distinguish themselves from one another according to their domain of applica­ tion, converge and gradually produce the blueprint of a general method. They were at work in secondary education at a very early date, later in primary schools; they slowly invested the space of the hospital; and, in a few decades, they restructured the military organization. They sometimes circulated very rapidly from one point to another (between the army and the technical schools or secondary schools), sometimes slowly and discreetly (the insidious militarization of the large workshops). On almost every occasion, they were adopted in response to particular needs: an industrial innovation, a renewed outbreak of certain epidemic diseases, the invention o f the rifle or the victories o f Prussia. This did not prevent them being totally inscribed in general and essential transforma­ tions, which we must now try to delineate.¶ There can be no question here of writing the history of the different disciplinary institutions, with all their individual differ­ ences\* I simply intend to map on a series of examples some of the essential techniques that most easily spread from one to another. These were always meticulous, often minute, techniques, but they had their importance: because they defined a certain mode of detailed political investment of the body, a 'new micro-physics\* of power; and because, since the seventeenth century, they had constantly reached out to ever broader domains, as if they tended to cover the entire social body. Small acts of cunning endowed with a great power of diffusion, subtle arrangements, apparently innocent, but profoundly suspicious, mechanisms that obeyed economies too shameful to be acknowledged, or pursued petty forms of coercion — it was nevertheless they that brought about the mutation of the punitive system, at the threshold of the contemporary period. De­ scribing them will require great attention to detail: beneath every set¶ of figures, we must seek not a meaning, but a precaution; we must situate them not only in the inextricability of a functioning, but in the coherence of a tactic. They are the acts of cunning, not so much of the greater reason that works even in its sleep and gives meaning to the insignificant, as of the attentive 'malevolence\* that turns everything to account. Discipline is a political anatomy of detail. Before we lose patience we would do well to recall the words of Marshal de Saxe: ‘Although those who concern themselves with details are regarded as folk of limited intelligence, it seems to me that this part is essential, because it is the foundation, and it is impossible to erect any building or establish any method without understanding its principles. It is not enough to have a liking for architecture. One must also know stone-cutting\* (Saxe, 5). There is a whole history to be written about such 'stone-cutting’ - a history of the utilitarian rationalization of detail in moral accountability and political control. The classical age did not initiate it; rather it accelerated it, changed its scale, gave it precise instruments, and perhaps found some echoes for it in the calculation of the infinitely small or in the description of the most detailed characteristics of natural beings. In any case, ‘detail\* had long been a category of theology and asceticism: every detail is important since, in the sight of God, no immensity is greater than a detail, nor is anything so small that it was not willed by one of his individual wishes. In this great tradition of the eminence of detail, all the minutiae of Chris­ tian education, of scholastic or military pedagogy, all forms of ‘training' found their place easily enough. For the disciplined man, as for the true believer, no detail is unimportant, but not so much for the meaning that it conceals within it as for the hold it provides for the power that wishes to seize it. Characteristic is the great hymn to the ‘little things' and to their eternal importance, sung by Jean- Baptiste de La Salle, in his Traitd sur les obligations des freres des licoles chretiennes. The mystique of the everyday is joined here with the discipline of the minute. 'How dangerous it is to neglect little things. It is a very consoling reflection for a soul like mine, little disposed to great actions, to think that fidelity to little things may, by an imperceptible progress, raise us to the most eminent sanctity: because little things lead to greater \* . . Little things; it will be said, alas, my God, what can we do that is great for you, weak and mortal creatures that we are. Little things; if great things presented them­ selves would we perform them? Would we not think them beyond our strength? Little things; and if God accepts them and wishes to receive them as great things? Little things; has one ever felt this? Does one judge according to experience? Little things; one is cer­ tainly guilty, therefore, if seeing them as such, one refuses them? Little things; yet it is they that in the end have made great saints! Yes, little things; but great motives, great feelings, great fervour, great ardour, and consequently great merits, great treasures, great rewards' (La Salle, Traite . . ., 238-9). The meticulousness of the regulations, the fussiness of the inspections, [and] the supervision of the smallest fragment of life and of the body will soon provide, in the context of the school, the barracks, the hospital or the workshop, a laicized content, an economic or technical rationality for this mystical calculus of the infinitesimal and the infinite. And a History of Detail in the eighteenth century, presided over by Jean-Baptiste de La Salle, touching on Leibniz and Buffon, via Frederick II, covering pedagogy, medicine, military tactics and economics, should bring us, at the end of the century, to the man who dreamt of being another Newton, not the Newton of the immensities of the heavens and the planetary masses, but a Newton of ‘small bodies’, small movements, small actions; to the man who replied to Monge’s remark, ‘there was only one world to discover\*: ‘What do I hear? But the world of details, who has never dreamt of that other world, what of that world? I have believed in it ever since I was fifteen. I was concerned with it then, and this memory lives within me, as an obsession never to be abandoned. . . That other world is the most important of all that I flatter myself I have dis­ covered: when I think of it, my heart aches’ (these words are attributed to Bonaparte in the Introduction to Saint-Hilaire\*s Notions synthetiques et historiques de philosophic naturelie). Napoleon did not discover this world; but we know that he set out to organize it; and he wished to arrange around him a mechanism of power that¶ would enable him to see the smallest event that occurred in the state he governed; he intended, by means of the rigorous discipline that he imposed, ‘to embrace the whole of this vast machine without the slightest detail escaping his or her attention\* (Treilhard, 14).¶ A meticulous observation of detail, and at the same time a political awareness of these small things, for the control and use of men, emerge through the classical age bearing with them a whole set of techniques, a whole corpus of methods and knowledge[.], descriptions, plans and data. And from such trifles, no doubt, the man of modern humanism was born.1

Thus the standard is to **retract from the disciplinary power of academic spaces.**

### Solvency {w/Hook}

#### In the status quo speech is silenced and a desire for control, discipline, and safety manipulate agendas on college campus’ – anything but the aff is self-defeating and circular – the desire for “safety” is cyclical and will spill over into more and more restrictions as fear perforates.

Reisert ’15, [Joseph R. Reisert(), Idea of 'safe space,' as defined on college campuses, is inherently totalitarian, Central Maine, 11-14-2015, 15, http://www.centralmaine.com/2015/11/14/idea-of-safe-space-as-defined-on-college-campuses-is-inherently-totalitarian/, 2-17-2017. SK]

**No** free or democratic **society can endure without robust protections for freedom of speech**, which are carefully protected in our Constitution and our laws. **Today**, however, we see that **the idea and cultural practice of free speech are under assault today, especially on university campuses,** which are now — according to the activists — supposed to be “safe spaces.” The idea of the “safe space” is novel, but in some ways seductively appealing. It is not simply that the idea that we should be free from fear of physical harm: criminal and civil laws already are there to protect our freedom and physical safety. **These** “safe spaces” **[assaults] promise yet a further dimension of safety** — **an environment in which one need never fear being insulted, demeaned or made to feel unwelcome**, an environment in which one is perfectly “at home.” photo-store Search photos available for purchase: Photo Store → Unfortunately, **the idea of the “safe space”** **is inherently totalitarian**, a threat to freedom of speech, freedom of inquiry and to democracy itself. Just this week, we saw two striking examples, one at the **U**niversity of **Missouri**, the other at Yale. At the University of Missouri, which has been roiled by protests that ultimately led to the resignation of the university chancellor and president, a journalist was forcibly prevented from reporting about one of the protests because his presence made the protesters feel unsafe. Under Missouri state law, the reporter had an absolute right to cover the demonstration, which was taking place in a “free speech zone.” The protesters had other ideas. The whole incident can be seen on YouTube: A crowd of the protesters had formed a human wall around a tent city they didn’t want the reporter to photograph, then they bodily pushed the reporter backwards, while demanding that he respect their space. Ultimately, after more such aggressions against the reporter, a professor (!) called for “some muscle” to make the reporter leave. At Yale University, after the administration issued an all-campus email advising students not to wear offensive Halloween costumes, a faculty member who lives on the campus as a faculty leader of one of the dormitory complexes wrote a follow-up email to the students in her dorm. She wrote that, while she appreciated the “laudable” motives of the administrators, she called upon the community “to reflect more transparently” on whether it is a good idea for administrators to tell students how to dress up for Halloween. Formerly, she wrote, colleges were places of “transgressive” experience; increasingly, it seems, “they have become places of censure and prohibition. And this censure and prohibition come from above, not from yourselves!” She concluded that it was not her business to control the costumes young people wear. This email provoked, not the desired conversation, but a storm of angry protests in which the students in effect demanded to be treated as children. At one key moment, the letter writer’s husband — officially the senior faculty member responsible for the dorm complex — went to meet with the protesting students. This encounter, too, can be seen on video. The lone professor is surrounded by students, one of whom screams obscenities at him and insists “it is not about creating an intellectual community here.” What she demands instead is a “home” and a “safe space.” As at Missouri, the Yale students’ demand for a “safe space” became an excuse for bullying and a license for insult. As at Missouri, we see at Yale a mob of angry protesters demanding their own safety in a manner calculated to make the target of their anger feel decidedly unsafe. **It is not accidental that the demand for safety so quickly morphed in both cases into a license for aggression.** **The problem is inherent in the demand for a subjective feeling of perfect safety**. **Diversity and disagreement are never altogether comfortable, and they can never be made perfectly “safe.”** Few things are as unpleasant as having one’s foundational certitudes challenged and one’s core beliefs — or one’s very identity — disparaged, or dismissed. But the only way to be “safe” from such experiences is to abolish diversity and disagreement altogether — to mandate the one right way of life and of thinking, as the Missouri and Yale protesters are trying to do. Ultimately, that aim is self-defeating: **Once today’s threatening voices have been silenced, new disagreements will arise, provoking new anxieties about “safety.”** **The** **only** stable and **enduring**ly peaceful **order** **is one that accepts** the discomfort that inevitably arises in a big world full of people who respect one **another’s freedom to disagree**. SK

#### Advocacy Text: In the United States, public colleges and universities ought not restrict any constitutionally protected speech. We defend removing restrictions on speech viewed as harmful and defend that educational programs are a better solution to harmful speech than speech codes.

Bertin **in** ‘17 Joan E. Bertin, Executive Director, National Coalition Against Censorship 2017, ["NCAC Analysis: The First Amendment and School Policies on Harassment and Bullying", http://ncac.org/resource/ncac-analysis-the-first-amendment-and-school-policies-on-harassment-and-bullying] AL 2-15-2017

**While school officials have considerable authority to regulate student speech in school, they do not have license to disregard the free speech rights of students. Speech codes in the college and university setting have routinely been struck down.** See*, e.g., DeJohn v. Temple University*, 537 F.3d 301 (3d Cir. 2008). Even in the high school setting, **efforts to proscribe the kind of speech outlined in the Letter have been subjected to searching inquiry, and frequently found in violation of the First Amendment.** The decision in *Saxe v. State College Area School District*, 240 F. 3d 200 (3d Cir. 2001), is particularly instructive. The case involved a First Amendment challenge to an anti-harassment code which read, in pertinent part: Harassment means verbal or physical conduct based on one’s actual or perceived race, religion, color, national origin, gender, sexual orientation, disability, or other personal characteristics, and which has the purpose or effect of substantially interfering with a student’s educational performance or creating an intimidating, hostile or offensive environment. Harassment can include any unwelcome verbal, written or physical conduct which offends, denigrates, or belittles an individual… Such conduct includes but is not limited to unsolicited derogatory remarks, jokes, demeaning comments or behaviors, slurs, mimicking, name calling, graffiti, innuendo, gestures…or the display or circulation of written material or pictures. *Id*. at 202-203. The school argued that harassment “as defined by federal and state anti-discrimination statutes, is not entitled to First Amendment protection.” *Id.* at 204. Judge Samuel Alito, writing for the court, rejected this claim: “There is no categorical ‘harassment exception’ to the First Amendment’s free speech clause. Moreover, the … policy prohibits a substantial amount of speech that would not constitute actionable harassment under either federal or state law.” *Id.* He went on to note that “there is also no question that the free speech clause protects a wide variety of speech that listeners may consider deeply offensive, including statements that impugn another’s race or national origin or that denigrate religious beliefs.” *Id.* at 206. The test for limiting such speech is whether or not it is likely to substantially disrupt the educational program. **The court concluded that although there is “a compelling interest in promoting an educational environment that is safe and conducive to learning, [the school] fails to provide any particularized reason as to why it anticipates substantial disruption from the broad swath of student speech prohibited under the Policy.**” *Id.* at 217. The unmistakable message is that if a school were to adopt rules implicitly required by the OCR’s October 2010 letter, it could well be subject to suit for infringing students’ free speech rights. A more recent opinion, authored by Judge Richard Posner of the Seventh Circuit, struck down a school policy prohibiting “negative comments” about homosexuality, stating that “a school that permits advocacy of the rights of homosexual students cannot be allowed to stifle criticism of homosexuality.” *Zamecnik v. Indian Prairie School Dist. #204,* 636 F.3d 874, 876 (7thCir. 2011). Without evidence that the school had “a reasonable belief that it faced a threat of substantial disruption,” the speech restriction could not be justified. Such disruption cannot result from the response of the listeners: “retaliatory conduct by persons offended” by the speech in question does not provide grounds for suppressing the speech; otherwise, “**free speech could be stifled by the speaker’s opponents….” If suppressing speech in the school setting raises constitutional questions, even more concerns exist with regard to efforts to regulate speech outside the school setting.** While law on this issue is not yet well established, the Third Circuit issued a cautionary warning in a pair of recent decisions holding that disciplining students for off-campus, online speech violated the students’ free speech rights. See, Blue Mountain School District v. J.S., 630 F.3d 915 (3rd Cir. 2011), cert. denied, 132 S. Ct. 1097 (Jan. 17, 2012) (finding that it was not “reasonably foreseeable that [the student’s] speech would create a substantial disruption.”) That court went even further in Layshock v. Hermitage School Dist., 650 F.3d 205, 216 (3rd Cir. 2011): “**It would be an unseemly and dangerous precedent to allow the state, in the guise of school authorities, to reach into a child’s home and control his/her actions there to the same extent that it can control that child when he/she participates in school sponsored activities.” Efforts to prevent bullying and harassment are critical, but the existence of one problem does not provide license to ride roughshod over students’ constitutional rights. The protection of students can – and must – be achieved without infringing the very rights we teach our children are the basis of our democracy.** The OCR got it right in 1997: “while the First Amendment may prohibit the school from restricting the right of students to express opinions… that may be considered derogatory, the school can take steps to denounce those opinions and ensure that competing views are heard.” **The harms inflicted by bullying and harassment are matters that can and should be taught in school; school officials already have informal and formal means of enforcing appropriate codes of conduct in school. Encouraging school officials to disregard their First Amendment obligations and the need to maintain schools as an environment for exploring opinions and ideas – even upsetting and offensive ones – will only create confusion, instigate litigation, and generally interfere with the ability of educators to do their job.** Efforts to prevent bullying and harassment can instead focus on positive educational and support programs, which are likely to be more successful in the long run than punitive approaches and will not exact the high price of restricting students’ other fundamental rights. “**Speech is powerful. It can stir people to action, move them to tears of both joy and sorrow, and … inflict great pain…. [W]e cannot react to that pain by punishing the speaker.** As a Nation we have chosen a different course — to protect even hurtful speech on public issues to ensure that we do not stifle public debate.” Snyder v. Phelps, 562 U.S. 443, \_\_\_, 131 S. Ct 1207, 1220 ([2011](http://www.supremecourt.gov/opinions/10pdf/09-751.pdf.)). **Even hateful speech can provide “teachable moments.” Students need all the instruction and guidance schools can give them to deal with these most sensitive and challenging issues, which they encounter both in and out of school.**

#### And, in order to have an ideological critique of problems that looks at the broader picture and institutional violence depend upon the affirmative as we target the specificity of violence. Claiming that methods are not compatible just stigmatizes allies of their movement. Only a combination of reducing free speech restrictions and a more ideological critique can address material conditions without validating systems of authority.

Friedersdorf ’15, [Conor Friedersdorf(), Free Speech on Campus Is Under Attack, Atlantic, 3-4-2016, 16, http://www.theatlantic.com/politics/archive/2016/03/the-glaring-evidence-that-free-speech-is-threatened-on-campus/471825/, 1-5-2017. SK]

The New Yorker that to avoid discussions of racism, critical observers of student protests at Yale and the University of Missouri “invoke a separate principle, one with which few would disagree in the abstract—free speech, respectful participation in class—as the counterpoint to the violation of principles relating to civil rights.” The fact that race controversies “have now been subsumed in a debate over political correctness and free speech on campus—important but largely separate subjects—is proof of the self-serving deflection to which we should be accustomed at this point,” he declares. Cobb calls these supposed diversions “victim-blaming with a software update,” and positing that they are somehow having the same effect as disparaging Trayvon Martin, he cites my article “The New Intolerance of Student Activism” as his prime example. He writes as if unaware that millions of Americans believe the defense of free speech and the fight against racism to be complementary causes, and not at odds with each other. **The false premises underpinning his analysis exacerbate a persistent, counterproductive gulf between the majority of those struggling against racism in the United States, who believe that First Amendment protections, rigorous public discourse, and efforts to educate empowered, resilient young people are the surest ways to a more just future, and a much smaller group that subscribes to a strain of thought most popular on college campuses.** READ FOLLOW-UP NOTES Readers, staffers, and other writers debate the campus controversies **Members of this latter group may be less opposed to speech restrictions; rely more heavily on stigma, call-outs, and norm-shaping in their efforts to combat racism**; **purport to target “institutional" and “systemic” racism**, **but often insist on the urgency of policing racism that is neither systemic nor institutional**, like Halloween costume choices; **focus to an unusual degree on getting validation from administrators and others in positions of authority**; and often seem unaware or unconvinced that others can and do share their ends while objecting to some of their means, the less rigorous parts of their jargon, and campus status-signaling. For this reason, **they spend a lot of time misrepresenting and stigmatizing allies**. Cobb misunderstands my motives, my body of work, and my article, which makes it doubly frustrating that he neglects to provide an outbound link to allow his readers to judge it for themselves. His erroneous assumptions render him less able to engage on this subject with millions who reject his ideology but are sympathetic to his concerns. Let me underscore how erroneous his assumptions are. His article is premised on the notion that my piece on Yale and others like one I wrote a day later on Missouri are part of a “diversion,” an attempt to avoid talking about racism through deflection. “The fault line here,” he posits, “is between those who find intolerance objectionable and those who oppose intolerance of the intolerant.” Of course, it’s far more consistent to find intolerance objectionable across the board, and to speak out against it especially when its targets have historically faced discrimination.

#### Limitations and restrictions on speech frame and perpetuate regimes of truth and frame our understanding of domination by controlling the production of knowledge

Hook lecturer in Psychology at the University of the Witwatersrand, 2001 (THEORIA, June, p. 29)

In a succinct introduction to Foucault's `The Order of Discourse' paper Young (1981) notes that the central focus of the paper is on the rules, ssystems and procedures which constitute, and are constituted by, our `will to knowledge'. These rules, systems and procedures comprise a discrete realm of discursive practices-- the order of discourse -- a conceptual terrain in which knowledge is formed and produced. As Young specifies, what is analyzed here is not simply that which was thought or said per se, `but all the ddiscursive rules and categories that were a priori, assumed as a constituent part of discourse and therefore of knowledge' (Young 1981: 48). In this way, t[T]he effects of discursive practices is to make it virtually impossible to think outside of them; to be outside of them is, by definition, to be mad, to be beyond comprehension and therefore reason. Discursive rules are hence strongly linked to the exercise of power: discourse itself is both constituted by, and ensures the reproduction of, the social system, through forms of selection, exclusion and domination.

[creates a home and a community – inclusive rather than exclusive spaces for dialogue]:

<http://thesmartset.com/space-speech-and-subordination-on-the-college-campus/>

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Reisert ’15, [Joseph R. Reisert(), Idea of 'safe space,' as defined on college campuses, is inherently totalitarian, Central Maine, 11-14-2015, 15, http://www.centralmaine.com/2015/11/14/idea-of-safe-space-as-defined-on-college-campuses-is-inherently-totalitarian/, 2-17-2017. SK]

**No** free or democratic **society can endure without robust protections for freedom of speech**, which are carefully protected in our Constitution and our laws. **Today**, however, we see that **the idea and cultural practice of free speech are under assault today, especially on university campuses,** which are now — according to the activists — supposed to be “safe spaces.” The idea of the “safe space” is novel, but in some ways seductively appealing. It is not simply that the idea that we should be free from fear of physical harm: criminal and civil laws already are there to protect our freedom and physical safety. **These** “safe spaces” **[assaults] promise yet a further dimension of safety** — **an environment in which one need never fear being insulted, demeaned or made to feel unwelcome**, an environment in which one is perfectly “at home.” photo-store Search photos available for purchase: Photo Store → Unfortunately, **the idea of the “safe space”** **is inherently totalitarian**, a threat to freedom of speech, freedom of inquiry and to democracy itself. Just this week, we saw two striking examples, one at the **U**niversity of **Missouri**, the other at Yale. At the University of Missouri, which has been roiled by protests that ultimately led to the resignation of the university chancellor and president, a journalist was forcibly prevented from reporting about one of the protests because his presence made the protesters feel unsafe. Under Missouri state law, the reporter had an absolute right to cover the demonstration, which was taking place in a “free speech zone.” The protesters had other ideas. The whole incident can be seen on YouTube: A crowd of the protesters had formed a human wall around a tent city they didn’t want the reporter to photograph, then they bodily pushed the reporter backwards, while demanding that he respect their space. Ultimately, after more such aggressions against the reporter, a professor (!) called for “some muscle” to make the reporter leave. At Yale University, after the administration issued an all-campus email advising students not to wear offensive Halloween costumes, a faculty member who lives on the campus as a faculty leader of one of the dormitory complexes wrote a follow-up email to the students in her dorm. She wrote that, while she appreciated the “laudable” motives of the administrators, she called upon the community “to reflect more transparently” on whether it is a good idea for administrators to tell students how to dress up for Halloween. Formerly, she wrote, colleges were places of “transgressive” experience; increasingly, it seems, “they have become places of censure and prohibition. And this censure and prohibition come from above, not from yourselves!” She concluded that it was not her business to control the costumes young people wear. This email provoked, not the desired conversation, but a storm of angry protests in which the students in effect demanded to be treated as children. At one key moment, the letter writer’s husband — officially the senior faculty member responsible for the dorm complex — went to meet with the protesting students. This encounter, too, can be seen on video. The lone professor is surrounded by students, one of whom screams obscenities at him and insists “it is not about creating an intellectual community here.” What she demands instead is a “home” and a “safe space.” As at Missouri, the Yale students’ demand for a “safe space” became an excuse for bullying and a license for insult. As at Missouri, we see at Yale a mob of angry protesters demanding their own safety in a manner calculated to make the target of their anger feel decidedly unsafe. **It is not accidental that the demand for safety so quickly morphed in both cases into a license for aggression.** **The problem is inherent in the demand for a subjective feeling of perfect safety**. **Diversity and disagreement are never altogether comfortable, and they can never be made perfectly “safe.”** Few things are as unpleasant as having one’s foundational certitudes challenged and one’s core beliefs — or one’s very identity — disparaged, or dismissed. But the only way to be “safe” from such experiences is to abolish diversity and disagreement altogether — to mandate the one right way of life and of thinking, as the Missouri and Yale protesters are trying to do. Ultimately, that aim is self-defeating: **Once today’s threatening voices have been silenced, new disagreements will arise, provoking new anxieties about “safety.”** **The** **only** stable and **enduring**ly peaceful **order** **is one that accepts** the discomfort that inevitably arises in a big world full of people who respect one **another’s freedom to disagree**. SK

#### Advocacy Text: In the United States, public colleges and universities ought not restrict any constitutionally protected speech. We defend removing restrictions on speech viewed as harmful and defend that educational programs are a better solution to harmful speech than speech codes.

Bertin **in** ‘17 Joan E. Bertin, Executive Director, National Coalition Against Censorship 2017, ["NCAC Analysis: The First Amendment and School Policies on Harassment and Bullying", http://ncac.org/resource/ncac-analysis-the-first-amendment-and-school-policies-on-harassment-and-bullying] AL 2-15-2017

**While school officials have considerable authority to regulate student speech in school, they do not have license to disregard the free speech rights of students. Speech codes in the college and university setting have routinely been struck down.** See*, e.g., DeJohn v. Temple University*, 537 F.3d 301 (3d Cir. 2008). Even in the high school setting, **efforts to proscribe the kind of speech outlined in the Letter have been subjected to searching inquiry, and frequently found in violation of the First Amendment.** The decision in *Saxe v. State College Area School District*, 240 F. 3d 200 (3d Cir. 2001), is particularly instructive. The case involved a First Amendment challenge to an anti-harassment code which read, in pertinent part: Harassment means verbal or physical conduct based on one’s actual or perceived race, religion, color, national origin, gender, sexual orientation, disability, or other personal characteristics, and which has the purpose or effect of substantially interfering with a student’s educational performance or creating an intimidating, hostile or offensive environment. Harassment can include any unwelcome verbal, written or physical conduct which offends, denigrates, or belittles an individual… Such conduct includes but is not limited to unsolicited derogatory remarks, jokes, demeaning comments or behaviors, slurs, mimicking, name calling, graffiti, innuendo, gestures…or the display or circulation of written material or pictures. *Id*. at 202-203. The school argued that harassment “as defined by federal and state anti-discrimination statutes, is not entitled to First Amendment protection.” *Id.* at 204. Judge Samuel Alito, writing for the court, rejected this claim: “There is no categorical ‘harassment exception’ to the First Amendment’s free speech clause. Moreover, the … policy prohibits a substantial amount of speech that would not constitute actionable harassment under either federal or state law.” *Id.* He went on to note that “there is also no question that the free speech clause protects a wide variety of speech that listeners may consider deeply offensive, including statements that impugn another’s race or national origin or that denigrate religious beliefs.” *Id.* at 206. The test for limiting such speech is whether or not it is likely to substantially disrupt the educational program. **The court concluded that although there is “a compelling interest in promoting an educational environment that is safe and conducive to learning, [the school] fails to provide any particularized reason as to why it anticipates substantial disruption from the broad swath of student speech prohibited under the Policy.**” *Id.* at 217. The unmistakable message is that if a school were to adopt rules implicitly required by the OCR’s October 2010 letter, it could well be subject to suit for infringing students’ free speech rights. A more recent opinion, authored by Judge Richard Posner of the Seventh Circuit, struck down a school policy prohibiting “negative comments” about homosexuality, stating that “a school that permits advocacy of the rights of homosexual students cannot be allowed to stifle criticism of homosexuality.” *Zamecnik v. Indian Prairie School Dist. #204,* 636 F.3d 874, 876 (7thCir. 2011). Without evidence that the school had “a reasonable belief that it faced a threat of substantial disruption,” the speech restriction could not be justified. Such disruption cannot result from the response of the listeners: “retaliatory conduct by persons offended” by the speech in question does not provide grounds for suppressing the speech; otherwise, “**free speech could be stifled by the speaker’s opponents….” If suppressing speech in the school setting raises constitutional questions, even more concerns exist with regard to efforts to regulate speech outside the school setting.** While law on this issue is not yet well established, the Third Circuit issued a cautionary warning in a pair of recent decisions holding that disciplining students for off-campus, online speech violated the students’ free speech rights. See, Blue Mountain School District v. J.S., 630 F.3d 915 (3rd Cir. 2011), cert. denied, 132 S. Ct. 1097 (Jan. 17, 2012) (finding that it was not “reasonably foreseeable that [the student’s] speech would create a substantial disruption.”) That court went even further in Layshock v. Hermitage School Dist., 650 F.3d 205, 216 (3rd Cir. 2011): “**It would be an unseemly and dangerous precedent to allow the state, in the guise of school authorities, to reach into a child’s home and control his/her actions there to the same extent that it can control that child when he/she participates in school sponsored activities.” Efforts to prevent bullying and harassment are critical, but the existence of one problem does not provide license to ride roughshod over students’ constitutional rights. The protection of students can – and must – be achieved without infringing the very rights we teach our children are the basis of our democracy.** The OCR got it right in 1997: “while the First Amendment may prohibit the school from restricting the right of students to express opinions… that may be considered derogatory, the school can take steps to denounce those opinions and ensure that competing views are heard.” **The harms inflicted by bullying and harassment are matters that can and should be taught in school; school officials already have informal and formal means of enforcing appropriate codes of conduct in school. Encouraging school officials to disregard their First Amendment obligations and the need to maintain schools as an environment for exploring opinions and ideas – even upsetting and offensive ones – will only create confusion, instigate litigation, and generally interfere with the ability of educators to do their job.** Efforts to prevent bullying and harassment can instead focus on positive educational and support programs, which are likely to be more successful in the long run than punitive approaches and will not exact the high price of restricting students’ other fundamental rights. “**Speech is powerful. It can stir people to action, move them to tears of both joy and sorrow, and … inflict great pain…. [W]e cannot react to that pain by punishing the speaker.** As a Nation we have chosen a different course — to protect even hurtful speech on public issues to ensure that we do not stifle public debate.” Snyder v. Phelps, 562 U.S. 443, \_\_\_, 131 S. Ct 1207, 1220 ([2011](http://www.supremecourt.gov/opinions/10pdf/09-751.pdf.)). **Even hateful speech can provide “teachable moments.” Students need all the instruction and guidance schools can give them to deal with these most sensitive and challenging issues, which they encounter both in and out of school.**

#### And, in order to have an ideological critique of problems that looks at the broader picture and institutional violence depend upon the affirmative as we target the specificity of violence. Claiming that methods are not compatible just stigmatizes allies of their movement. Only a combination of reducing free speech restrictions and a more ideological critique can address material conditions without validating systems of authority.

Friedersdorf ’15, [Conor Friedersdorf(), Free Speech on Campus Is Under Attack, Atlantic, 3-4-2016, 16, http://www.theatlantic.com/politics/archive/2016/03/the-glaring-evidence-that-free-speech-is-threatened-on-campus/471825/, 1-5-2017. SK]

The New Yorker that to avoid discussions of racism, critical observers of student protests at Yale and the University of Missouri “invoke a separate principle, one with which few would disagree in the abstract—free speech, respectful participation in class—as the counterpoint to the violation of principles relating to civil rights.” The fact that race controversies “have now been subsumed in a debate over political correctness and free speech on campus—important but largely separate subjects—is proof of the self-serving deflection to which we should be accustomed at this point,” he declares. Cobb calls these supposed diversions “victim-blaming with a software update,” and positing that they are somehow having the same effect as disparaging Trayvon Martin, he cites my article “The New Intolerance of Student Activism” as his prime example. He writes as if unaware that millions of Americans believe the defense of free speech and the fight against racism to be complementary causes, and not at odds with each other. **The false premises underpinning his analysis exacerbate a persistent, counterproductive gulf between the majority of those struggling against racism in the United States, who believe that First Amendment protections, rigorous public discourse, and efforts to educate empowered, resilient young people are the surest ways to a more just future, and a much smaller group that subscribes to a strain of thought most popular on college campuses.** READ FOLLOW-UP NOTES Readers, staffers, and other writers debate the campus controversies **Members of this latter group may be less opposed to speech restrictions; rely more heavily on stigma, call-outs, and norm-shaping in their efforts to combat racism**; **purport to target “institutional" and “systemic” racism**, **but often insist on the urgency of policing racism that is neither systemic nor institutional**, like Halloween costume choices; **focus to an unusual degree on getting validation from administrators and others in positions of authority**; and often seem unaware or unconvinced that others can and do share their ends while objecting to some of their means, the less rigorous parts of their jargon, and campus status-signaling. For this reason, **they spend a lot of time misrepresenting and stigmatizing allies**. Cobb misunderstands my motives, my body of work, and my article, which makes it doubly frustrating that he neglects to provide an outbound link to allow his readers to judge it for themselves. His erroneous assumptions render him less able to engage on this subject with millions who reject his ideology but are sympathetic to his concerns. Let me underscore how erroneous his assumptions are. His article is premised on the notion that my piece on Yale and others like one I wrote a day later on Missouri are part of a “diversion,” an attempt to avoid talking about racism through deflection. “The fault line here,” he posits, “is between those who find intolerance objectionable and those who oppose intolerance of the intolerant.” Of course, it’s far more consistent to find intolerance objectionable across the board, and to speak out against it especially when its targets have historically faced discrimination.

[creates a home and a community – inclusive rather than exclusive spaces for dialogue]:

<http://thesmartset.com/space-speech-and-subordination-on-the-college-campus/>

### Scenario 1 is Criminalization {long}

#### *This advantage will be about how restrictions on speech increase police crackdowns on students which (1) materially impacts people but also (2) is a form of discipline that is bad.*

#### Speech codes and the status quo serve to expand the already large campus bureaucracy and the campus disciplinary system which jeopardizes student potential.

Tolhurst ’16, [Michael Tolhurst(), The Spirit of Free Expression and Its Erosion on Campus, Charles Koch Institute, 8-16-2016, 16, https://www.charleskochinstitute.org/spirit-free-expression-erosion-campus/, 4-18-2017. SK]

The issue of free speech on campus has a long history beyond today’s disinvitation of speakers and shouting down of professors. In the 1960s, protests at the University of California, Berkeley, were in favor of free speech and against universities playing the role of parent. The issue rose again to prominence in the late 1980s and 1990s, when a series of books from figures as diverse as Jonathan Rauch, Alan Charles Kors, and Allan Bloom noted how the prioritization of political correctness could pose a threat to open inquiry. In Unlearning Liberty: Campus Censorship and the End of American Debate, Greg Lukianoff discusses the most recent incarnations of free speech concerns on campus and finds that censorship is alive and well at colleges and universities across America. Lukianoff’s position as president of the Foundation for Individual Rights in Education (FIRE), a non-profit organization committed to protecting the free speech rights of students on college campuses, has provided him with a plethora of censorship-related stories. Throughout the book, he identifies several recurring causes of reduced freedom of expression on **campus**, including **speech codes** (rules that either implicitly or explicitly restrict speech) **and free speech zones** (restrictions on where students can freely and spontaneously assemble). One example Lukianoff provides shows the concept of free speech zones taken to a ridiculous extreme: Texas Tech University instituted a “Free Speech Gazebo” (since removed), which restricted free expression to a small gazebo that required advance booking. Even though speech codes are often adopted to remedy particular ills (e.g., to ensure that students from minority groups feel welcome), the cost to free expression can be significant. Particularly if one considers, as Lukianoff does, that **administrators are often too eager to use speech codes to silence dissent that criticizes their actions**. **Combine** this **with** the often-Orwellian world of **the** campus disciplinary system, **which** frequently lacks any sort of due process, **and one arrives at a state of affairs much worse than the problem the code was meant to address**. As **these** **proceedings are opaque and carry significant consequences — ranging from suspension to expulsion — the potential harm to a student’s future is severe.** Another danger is **the merging of a culture that promotes diversity** at all costs **with an** ever-expanding campus bureaucracy. This has resulted in residence life programs — curricula taught by campus administrators in residence and dining halls — that seek to inculcate certain norms, but not in a fashion that fosters open debate. The demand for equality has also led some campuses to require that student groups be open to all — even to those whose beliefs are fundamentally at odds with the group’s purpose. This undermines students’ ability to freely associate within the civil society that is a campus community. Most troubling for Lukianoff is the increasing tendency of students to attempt to silence each other. Much of FIRE’s work, Lukianoff notes, has been defending students from the inept or malicious overreach of campus officials; but more recently, students themselves have been taking steps to restrict speech. This can take the form of trashing an entire issue of the campus newspaper or disinviting (or otherwise disrupting) campus speakers. Such incidents point toward a worrying cultural shift on campuses. Defending Free Speech Transcends Ideological Divides Lukianoff’s book is comparable to another famous work on campus culture that came out a generation ago, Allan Bloom’s 1987 Closing of the American Mind. Bloom’s work has long served as the comprehensive philosophical critique of the modern university, particularly on the right. (Charles Koch’s recent op-ed for The Wall Street Journal, wherein he discussed how campus censorship can have larger implications for social and technological progress, even references the work in its title.) Unlike Lukianoff, who only minimally speculates about the underlying cultural drivers of censorship, Bloom attempted to provide a broad explanation for the ills of the modern university. However, Bloom’s large strokes belie his personal prejudices. For example, Bloom famously (or infamously) held that rock music, as well as the malign influence of particular historical thinkers (such as Friedrich Nietzsche), were partially to blame for the decline of American culture. Lukianoff’s book is much better than Bloom’s in that it is informed by a broad and varied experience with actual students on actual campuses. Lukianoff does not make grand claims about campus culture beyond the evidence he has available. This includes Lukianoff’s reluctance to cast blame on any single group and his underlying sympathy for students. While he acknowledges that in recent years those on the left have increasingly been the ones suppressing speech on campus, Lukianoff cautions against drawing too strong a conclusion from this fact. In the past, left-leaning students and professors helped to broaden the diversity of views held on campuses and promoted free speech. Any attempt to portray the left as the primary enemy of free expression ignores the complicated history of campus censorship, in which friends and foes of free speech can be found on all sides of the ideological spectrum. At the same time that Berkeley students were protesting in favor of free speech, National Review’s Willmoore Kendall had this to say: “The classic attempt to defend freedom of speech as a compelling principle, applicable to all communities, that is, Mill’s famous Essay on Liberty, is a piece of bad political philosophy, and one that has done great harm.” However, today the same magazine routinely embraces the cause of free speech. Campus Censorship’s Larger Implications Unlearning Liberty illustrates the importance of, as well as the threats facing, free speech on campus. **College campuses**, which serve to educate young adults at a formative period in their lives, **should** seek to instill a spirit of critical inquiry, **not** to simply **indoctrinate students into** believing the “correct” views as understood by partisans of particular **ideological camps**. **This is** an **important** concern **for those who** value freedom and **reject authoritarian rule**. Throughout history, the freedom to speak and engage in critical debate has been central to all political, cultural, and scientific progress. The fact that this heritage might be lost is of grave concern. Furthermore, what happens on campus will not stay on campus. As students graduate, they will move on to live and work in the larger society. Habits of mind formed at the university will continue to inform how graduates grapple with the pressing issues of the day. The “coddling of the American mind,” as Lukianoff noted in a 2015 Atlantic article co-authored with psychologist Jonathan Haidt, does a disservice to students both in terms of their education and their mental health. Ultimately, **there are two different sets of habits a university can** attempt to **impart** on its students: **One leads to** critical inquiry and **the ability to thoughtfully question the status qu**o and think deeply about complicated matters; **the other,** which universities currently seem more and more in the business of providing, limits free thought and **encourages conformity**. SK

#### Current speech restrictions confirm – Bias Response Teams report speech they subjectively believe to be “biased” to campus authorities and police which leads to coercion under the threat of violence –impacts both professors and three million students.

Gabbay ’17, [Tiffany Gabbay(), Report: 70 Colleges Call The Cops On People Who Trigger 'Bias Incidents', Truth Revolt, 2-8-2017, 17, http://www.truthrevolt.org/news/report-70-colleges-call-cops-people-who-trigger-bias-incidents, 4-27-2017. SK]

Foundation for Individual Rights in Education (FIRE) released its first annual nationwide survey of college “**Bias Response Teams**” (BRTs) and their assaults on free speech. The findings, as you can imagine, are disturbing to say the least. "BRTs **encourage students to formally report on one another and on faculty members whenever they subjectively perceive that someone’s speech is 'biased**,'" states FIRE in an official press release. The 2017 Bias Response Team Report identified no less than **232 public and private American colleges and universities that maintain bias response programs**. **These programs impact the lives of nearly 3 million students**. "Inviting students to report a broad range of speech to campus authorities casts a chilling pall over free speech rights," said FIRE Senior Program Officer and Investigative Reporter Adam Steinbaugh. "**Bias response teams solicit reports of a wide range of constitutionally protected speech,** including speech about politics and social issues. **These sometimes-anonymous bias reports can result in interventions by conflict-wary administrators who then provide ‘education,**’ **often in the form of a verbal reprimand, or even explicit punishment."** 12 of the BRT teams "include at least one administrator dedicated to media relations," suggesting that the intent is to "deter and respond to controversies that might embarrass the institution. Even worse, **42 percent of these colleges and universities list law enforcement personnel among their BRT members**. "In other words, **literal speech police**," FIRE states. Yes, **42 percent of these institutions report 'bias speech' to members of law enforcement or campus security officers, which "works out to 70 schools that use the cops to warn or threat students, staff and faculty when they offend someone**," the FIRE states. SK

#### And, this leads to material violence against students. Turning over students to the police or administration leads to disproportionate incarceration of minorities, Black and Brown youth, and further fuels the school to prison pipeline.

Giroux ’15, [Henry A. Giroux(), Henry A. Giroux, Truthout, 11-11-2015, 15, http://www.truth-out.org/opinion/item/33604-terrorizing-students-the-criminalization-of-children-in-the-us-police-state, 4-27-2017. SK]

**Increasingly, institutions such as schools**, prisons, detention centers, and our major economic, cultural and social institutions **are being organized around the production of violence**. Rather than promote democratic values and a respect for others or embrace civic values, **they** often **function** largely **to** humiliate, **punish** and demonize any vestige of social responsibility. **Violence** permeates and drives foreign policy, dominates popular culture and increasingly **is used to criminalize a wide range of social behaviors, especially among Black people**. [9] The punishment "creep" that has moved from prisons to other public spheres now has a firm grip on both schools and the daily rituals of everyday life. **Violence functions** as a brutalizing practice used by the state **to squelch dissent, incarcerate poor people and people of color**, terrorize immigrants, **wage a war on minority youth** and menace individuals and groups **considered** disposable or **a threat**. Not only does **such violence** destroy the conditions and institutions necessary to develop a democratic polity, it also **accelerates abusive forms of punitiveness and control that extend from the prisons** to other institutions, such as schools. In this instance, violence becomes the ultimate force propagating what might be called punishment creep. **The punishment "creep" that has moved from prisons to other public spheres now has a firm grip on both schools and the daily rituals of everyday life.** Margaret Kimberley captures one instance of the racist underside of punishment creep. She writes: "Black people are punished for driving, for walking down the street, for having children, for putting their children in school, for acting the way children act, and even for having children who are killed by other people. We are punished, in short, because we still exist." [10] Violence in the United States has always been defined partly by a poisonous mix of chauvinism, exceptionalism and terrorism that runs through a history marked by genocidal assaults against Native Americans, the brutality of slavery and a persistent racism that extends from the horror of lynchings and chain gangs to current patterns of **mass incarceration**, which **subject many Black youth to the shameful dynamics of the school-to-prison-pipeline** and unprecedented levels of police abuse. Violence is the premier signature of what Ta-Nehisi Coates calls "The Dreamers," those individuals and groups who have "signed on, either actively or passively, to complicity in everything from police shootings to real estate redline, which crowds blacks into substandard housing in dangerous neighborhoods ... The Dream is about the totality of white supremacy in American history and its cumulative weight on African-Americans, and how one attempts to live with that." [11] In part, violence - whether produced by the state, corporations or racist individuals - is difficult to abstract from an expression of white supremacy, which functions as an index for demanding "the full privileges of the state." [12] Police violence against Black people has become highly visible and thrust into the national spotlight as a result of individuals recording acts of police abuse with their cell phones and other new technologies. In the last few years, there has been what seems like a torrent of video footage showing unarmed Black people being assaulted by the police. For instance, there is the shocking video of Walter Scott being shot in the back after fleeing from his car; Eric Garner dying as a result of being put in a chokehold by a white policeman who accused him of illegally selling cigarettes; the tragic killing of Freddie Gray, who, after making eye contact with a police officer, was put in a police van and purposely given a jarring ride that resulted in his death; and the unbearable shooting of 12-year-old Tamir Rice for playing with a pellet gun in the snow in a park. All of these deaths are morally indefensible and are symptomatic of the deep-seated racism and propensity for violence in many police forces in the United States. Yet, as Jeah Lee observes, while such crimes have attracted national attention, the "use of force by cops in schools … has drawn far less attention [in spite of the fact that] over the past five years at least 28 students have been seriously injured, and in one case shot to death, by so-called school resource officers - sworn, uniformed police assigned to provide security on k-12 campuses." [13] Increasingly, **as public schools hand over even routine disciplinary problems to the police, there is a proliferation of cops in schools.** There are over 17,000 school resource officers in more than half of the schools in the United States. [14] In spite of the fact that violence in schools has dropped precipitously, **school resource officers are the fastest-growing segment of law enforcement**. The Militarization of Schools In part, the militarizing of schools and the accompanying surge of police officers are driven by the fear of school shootings, particularly in the aftermath of the Columbine High School tragedy in 1999 and the massacre that took place at Sandy Hook Elementary School in 2013, both of which have been accentuated by the ever present wave of paranoia that followed the terrorist attacks of 9/11. [15] What advocates of putting police in the schools refuse to acknowledge is that the presence of the police in schools has done nothing to stop such mass shootings. While the fear of school shootings are overestimated, the fact remains that schools are still one of the safest places for children to be. Caught under the weight of a culture of fear and a rush to violence, many young people in schools are the most recent victims of a punishing state in a society that "remains in a state of permanent, endless war," a war that is waged through militarized policies at home and abroad. [16] Following Stanley Aronowitz, I think it is fair to argue that with "the breakdown of the mission of public schools … today's authorities no longer offer hope" to this generation of young people. One consequence is that "under the doctrine of control they threaten punishment, which includes, although it is not necessarily associated with, incarceration." [17] Violence against young people in schools is a troubling index of the loss of faith in young people and the transformation of school from a source of social and economic mobility to despotic testing institutions for most youth, and repressive holding centers, primarily for youth of color. [18] **The transformation of disciplinary problems into criminal violations has often resulted in absurd, if not tragic** **results**. What has become clear is that cops in schools have not made schools safer. Erik Eckholm, reporting for The New York Times, stated that judges, youth advocates, parents and other concerned citizens "are raising alarm about what they have seen in the schools where officers are already stationed: a surge in criminal charges against children for misbehavior that many believe is better handled in the principal's office." [19] In Texas, police officers have written "more than 100,000 misdemeanor tickets each year" and many of these students "face hundreds of dollars in fines, community service, and in some cases, a lasting record that could affect applications for jobs or the military." [20] The transformation of disciplinary problems into criminal violations has often resulted in absurd if not tragic results. For instance, in 2009, in Richardson, Texas "A 14-year old boy with Asperger's syndrome was given a $364 police citation for using an expletive in his classroom." [21] It gets even more ludicrous. A 12-year-old student in Stuart, Florida, was arrested in November 2008, for "disrupting a school function." The 'disruption' was that the student had "passed gas." [22] Similarly, a number of civil rights groups have reported that **the presence of police in schools often "means more suspensions, which disproportionately affect minority students**," according to an article in USA Today. [23] Many of the young people who end up in court are poor Black and Brown students, along with students with disabilities. As reported in The New York Times, "police-driven policies have not made schools more secure. But they do make children more likely to drop out and become entangled with the justice system. And they disproportionately affect minority and disabled children, who are more likely to be singled out for the harshest forms of discipline." [24] In one instance, an 8-year-old and 9-year-old in a public school in Kenton County, Kentucky, both with severe disabilities that made it difficult for them to follow classroom instructions, were handcuffed by a deputy sheriff for misbehaving. One child was writhing and crying in pain because of the handcuffs placed around his biceps since his wrists were too small. [25] Such acts are more than shameful, they also are symptomatic of a society that is waging war on many of its children. What must be recognized is that schools in general have become combat zones where it is routine for many students to be subjected to metal detectors, surveillance cameras, uniformed security guards, weapons searches, and in some cases, SWAT team raids and police dogs sniffing for drugs. [26] Under such circumstances, **the purpose of schooling appears to be to contain and punish young people** - especially those marginalized by race, class and disabilities - rather than educate them. For the many disadvantaged students being funnelled into the "school-to-prison pipeline," schools ensure that their futures look grim indeed, as their educational experiences acclimatize them to forms of carceral treatment. [27] There is more at work here than a flight from responsibility on the part of educators, parents and politicians who support and maintain policies that fuel this expanding edifice of law enforcement against the young and disenfranchised. Underlying the repeated decisions to turn away from helping young people is the growing sentiment that youth, particularly youth of color, constitute a threat to adults, and the only effective way to deal with them is to subject them to mind-crushing punishment. **Students being miseducated, criminalized and arrested through a form of penal pedagogy in prison-type schools provides a grave reminder of the degree to which the ethos of containment and punishment now creeps into spheres of everyday life that were largely immune in the past from this type of state and institutional violence**. How else to explain, as Judith Browne Dianis observes that, Across the country, young people are being arrested for behavior that used to be solved through a trip to the principal's office or the intervention of a counselor. In Florida, a 14-year-old was arrested and charged for throwing a pencil at another student and spent 21 days in jail. In New York, a 12-year-old was arrested for doodling, 'I love Abby and Faith on her desk.' In Chicago, 25 children, some as young as 11, were arrested for engaging in a food fight. [28] How many more images of young schoolchildren in handcuffs do we have to witness before it becomes clear that the educational system is broken? **Schools** are no longer reliable spaces of joy, critical teaching and support. Too many **are now institutions of containment and control that produce pedagogies of conformity** and kill the imagination by teaching to the test. SK

#### And, the brink is now – police are beginning to mobilize against student protestors and the government and law enforcement alike are eager to criminalize students – Berkeley proves.

Glum 4/27/17, [Julia Glum(), Berkeley Mayor Jesse Arreguín says Ann Coulter protesters might see 'a more visible police presence', Newsweek, 4-27-2017, 17, http://www.newsweek.com/berkeley-ann-coulter-mayor-condemns-protests-590827, 4-27-2017. SK]

Either way, **protesters were beginning to organize.** That could be of particular concern to Arreguín, given that in February rowdy activists protesting former Breitbart editor Milo Yiannopoulos caused $100,000 worth of damage to the university and earlier this month about 20 people were arrested at a rally against President Donald Trump. Related Stories Ann Coulter Officially Nixes Berkeley Speech The Show Will Go on for Ann Coulter in Berkeley Berkeley Free Speech Alum Support Ann Coulter Event Arreguín is under scrutiny of his own after conservative media claimed he was a member of a Facebook group for the far-left group By Any Means Necessary. "Berkeley is about the free exchange of ideas, but that's not what's happening," he **[the mayor said]** told Mother Jones. "So I think **going forward we are going to need to have a more visible police presence at these incidents and intervene**." The university, meanwhile, has said it's prepared for what may come. **Berkeley police Capt.** Alex Yao **confirmed** at a news conference "**highly visible law enforcement" would be on hand** Thursday, according to the Associated Press. **Chancellor** Nicholas Dirks **released a statement** **urging students** and staff **to follow police instructions** and think critically about their actions. "Our campus will not tolerate acts of violence or the destruction of property in our community, **and UCPD will dutifully investigate, arrest and prosecute anyone who commits crimes on our campus**," he wrote. "Please take care of yourselves and each other." SK

UQ takeout?

<http://www.truthrevolt.org/news/tide-turning-more-colleges-denying-students-safe-spaces>

### Scenario 1 is Criminalization {short}

#### *This advantage will be about how restrictions on speech increase police crackdowns on students which (1) materially impacts people but also (2) is a form of discipline that is bad.*

#### Speech codes and the status quo serve to expand the already large campus bureaucracy and the campus disciplinary system which jeopardizes student potential.

Tolhurst ’16, [Michael Tolhurst(), The Spirit of Free Expression and Its Erosion on Campus, Charles Koch Institute, 8-16-2016, 16, https://www.charleskochinstitute.org/spirit-free-expression-erosion-campus/, 4-18-2017. SK]

The issue of free speech on campus has a long history beyond today’s disinvitation of speakers and shouting down of professors. In the 1960s, protests at the University of California, Berkeley, were in favor of free speech and against universities playing the role of parent. The issue rose again to prominence in the late 1980s and 1990s, when a series of books from figures as diverse as Jonathan Rauch, Alan Charles Kors, and Allan Bloom noted how the prioritization of political correctness could pose a threat to open inquiry. In Unlearning Liberty: Campus Censorship and the End of American Debate, Greg Lukianoff discusses the most recent incarnations of free speech concerns on campus and finds that censorship is alive and well at colleges and universities across America. Lukianoff’s position as president of the Foundation for Individual Rights in Education (FIRE), a non-profit organization committed to protecting the free speech rights of students on college campuses, has provided him with a plethora of censorship-related stories. Throughout the book, he identifies several recurring causes of reduced freedom of expression on **campus**, including **speech codes** (rules that either implicitly or explicitly restrict speech) **and free speech zones** (restrictions on where students can freely and spontaneously assemble). One example Lukianoff provides shows the concept of free speech zones taken to a ridiculous extreme: Texas Tech University instituted a “Free Speech Gazebo” (since removed), which restricted free expression to a small gazebo that required advance booking. Even though speech codes are often adopted to remedy particular ills (e.g., to ensure that students from minority groups feel welcome), the cost to free expression can be significant. Particularly if one considers, as Lukianoff does, that **administrators are often too eager to use speech codes to silence dissent that criticizes their actions**. **Combine** this **with** the often-Orwellian world of **the** campus disciplinary system, **which** frequently lacks any sort of due process, **and one arrives at a state of affairs much worse than the problem the code was meant to address**. As **these** **proceedings are opaque and carry significant consequences — ranging from suspension to expulsion — the potential harm to a student’s future is severe.** Another danger is **the merging of a culture that promotes diversity** at all costs **with an** ever-expanding campus bureaucracy. This has resulted in residence life programs — curricula taught by campus administrators in residence and dining halls — that seek to inculcate certain norms, but not in a fashion that fosters open debate. The demand for equality has also led some campuses to require that student groups be open to all — even to those whose beliefs are fundamentally at odds with the group’s purpose. This undermines students’ ability to freely associate within the civil society that is a campus community. Most troubling for Lukianoff is the increasing tendency of students to attempt to silence each other. Much of FIRE’s work, Lukianoff notes, has been defending students from the inept or malicious overreach of campus officials; but more recently, students themselves have been taking steps to restrict speech. This can take the form of trashing an entire issue of the campus newspaper or disinviting (or otherwise disrupting) campus speakers. Such incidents point toward a worrying cultural shift on campuses. Defending Free Speech Transcends Ideological Divides Lukianoff’s book is comparable to another famous work on campus culture that came out a generation ago, Allan Bloom’s 1987 Closing of the American Mind. Bloom’s work has long served as the comprehensive philosophical critique of the modern university, particularly on the right. (Charles Koch’s recent op-ed for The Wall Street Journal, wherein he discussed how campus censorship can have larger implications for social and technological progress, even references the work in its title.) Unlike Lukianoff, who only minimally speculates about the underlying cultural drivers of censorship, Bloom attempted to provide a broad explanation for the ills of the modern university. However, Bloom’s large strokes belie his personal prejudices. For example, Bloom famously (or infamously) held that rock music, as well as the malign influence of particular historical thinkers (such as Friedrich Nietzsche), were partially to blame for the decline of American culture. Lukianoff’s book is much better than Bloom’s in that it is informed by a broad and varied experience with actual students on actual campuses. Lukianoff does not make grand claims about campus culture beyond the evidence he has available. This includes Lukianoff’s reluctance to cast blame on any single group and his underlying sympathy for students. While he acknowledges that in recent years those on the left have increasingly been the ones suppressing speech on campus, Lukianoff cautions against drawing too strong a conclusion from this fact. In the past, left-leaning students and professors helped to broaden the diversity of views held on campuses and promoted free speech. Any attempt to portray the left as the primary enemy of free expression ignores the complicated history of campus censorship, in which friends and foes of free speech can be found on all sides of the ideological spectrum. At the same time that Berkeley students were protesting in favor of free speech, National Review’s Willmoore Kendall had this to say: “The classic attempt to defend freedom of speech as a compelling principle, applicable to all communities, that is, Mill’s famous Essay on Liberty, is a piece of bad political philosophy, and one that has done great harm.” However, today the same magazine routinely embraces the cause of free speech. Campus Censorship’s Larger Implications Unlearning Liberty illustrates the importance of, as well as the threats facing, free speech on campus. **College campuses**, which serve to educate young adults at a formative period in their lives, **should** seek to instill a spirit of critical inquiry, **not** to simply **indoctrinate students into** believing the “correct” views as understood by partisans of particular **ideological camps**. **This is** an **important** concern **for those who** value freedom and **reject authoritarian rule**. Throughout history, the freedom to speak and engage in critical debate has been central to all political, cultural, and scientific progress. The fact that this heritage might be lost is of grave concern. Furthermore, what happens on campus will not stay on campus. As students graduate, they will move on to live and work in the larger society. Habits of mind formed at the university will continue to inform how graduates grapple with the pressing issues of the day. The “coddling of the American mind,” as Lukianoff noted in a 2015 Atlantic article co-authored with psychologist Jonathan Haidt, does a disservice to students both in terms of their education and their mental health. Ultimately, **there are two different sets of habits a university can** attempt to **impart** on its students: **One leads to** critical inquiry and **the ability to thoughtfully question the status qu**o and think deeply about complicated matters; **the other,** which universities currently seem more and more in the business of providing, limits free thought and **encourages conformity**. SK

#### Current speech restrictions confirm – Bias Response Teams report speech they subjectively believe to be “biased” to campus authorities and police which leads to coercion under the threat of violence –impacts both professors and three million students.

Gabbay ’17, [Tiffany Gabbay(), Report: 70 Colleges Call The Cops On People Who Trigger 'Bias Incidents', Truth Revolt, 2-8-2017, 17, http://www.truthrevolt.org/news/report-70-colleges-call-cops-people-who-trigger-bias-incidents, 4-27-2017. SK]

Foundation for Individual Rights in Education (FIRE) released its first annual nationwide survey of college “**Bias Response Teams**” (BRTs) and their assaults on free speech. The findings, as you can imagine, are disturbing to say the least. "BRTs **encourage students to formally report on one another and on faculty members whenever they subjectively perceive that someone’s speech is 'biased**,'" states FIRE in an official press release. The 2017 Bias Response Team Report identified no less than **232 public and private American colleges and universities that maintain bias response programs**. **These programs impact the lives of nearly 3 million students**. "Inviting students to report a broad range of speech to campus authorities casts a chilling pall over free speech rights," said FIRE Senior Program Officer and Investigative Reporter Adam Steinbaugh. "**Bias response teams solicit reports of a wide range of constitutionally protected speech,** including speech about politics and social issues. **These sometimes-anonymous bias reports can result in interventions by conflict-wary administrators who then provide ‘education,**’ **often in the form of a verbal reprimand, or even explicit punishment."** 12 of the BRT teams "include at least one administrator dedicated to media relations," suggesting that the intent is to "deter and respond to controversies that might embarrass the institution. Even worse, **42 percent of these colleges and universities list law enforcement personnel among their BRT members**. "In other words, **literal speech police**," FIRE states. Yes, **42 percent of these institutions report 'bias speech' to members of law enforcement or campus security officers, which "works out to 70 schools that use the cops to warn or threat students, staff and faculty when they offend someone**," the FIRE states. SK

#### And, this leads to material violence against students. Turning over students to the police or administration leads to disproportionate incarceration of minorities, Black and Brown youth, and further fuels the school to prison pipeline.

Giroux ’15, [Henry A. Giroux(), Henry A. Giroux, Truthout, 11-11-2015, 15, http://www.truth-out.org/opinion/item/33604-terrorizing-students-the-criminalization-of-children-in-the-us-police-state, 4-27-2017. SK]

**Increasingly, institutions such as schools**, prisons, detention centers, and our major economic, cultural and social institutions **are being organized around the production of violence**. Rather than promote democratic values and a respect for others or embrace civic values, **they** often **function** largely **to** humiliate, **punish** and demonize any vestige of social responsibility. **Violence** permeates and drives foreign policy, dominates popular culture and increasingly **is used to criminalize a wide range of social behaviors, especially among Black people**. [9] The punishment "creep" that has moved from prisons to other public spheres now has a firm grip on both schools and the daily rituals of everyday life. **Violence functions** as a brutalizing practice used by the state **to squelch dissent, incarcerate poor people and people of color**, terrorize immigrants, **wage a war on minority youth** and menace individuals and groups **considered** disposable or **a threat**. Not only does **such violence** destroy the conditions and institutions necessary to develop a democratic polity, it also **accelerates abusive forms of punitiveness and control that extend from the prisons** to other institutions, such as schools. In this instance, violence becomes the ultimate force propagating what might be called punishment creep. **The punishment "creep" that has moved from prisons to other public spheres now has a firm grip on both schools and the daily rituals of everyday life.** Margaret Kimberley captures one instance of the racist underside of punishment creep. She writes: "Black people are punished for driving, for walking down the street, for having children, for putting their children in school, for acting the way children act, and even for having children who are killed by other people. We are punished, in short, because we still exist." [10] Violence in the United States has always been defined partly by a poisonous mix of chauvinism, exceptionalism and terrorism that runs through a history marked by genocidal assaults against Native Americans, the brutality of slavery and a persistent racism that extends from the horror of lynchings and chain gangs to current patterns of **mass incarceration**, which **subject many Black youth to the shameful dynamics of the school-to-prison-pipeline** and unprecedented levels of police abuse. Violence is the premier signature of what Ta-Nehisi Coates calls "The Dreamers," those individuals and groups who have "signed on, either actively or passively, to complicity in everything from police shootings to real estate redline, which crowds blacks into substandard housing in dangerous neighborhoods ... The Dream is about the totality of white supremacy in American history and its cumulative weight on African-Americans, and how one attempts to live with that." [11] In part, violence - whether produced by the state, corporations or racist individuals - is difficult to abstract from an expression of white supremacy, which functions as an index for demanding "the full privileges of the state." [12] Police violence against Black people has become highly visible and thrust into the national spotlight as a result of individuals recording acts of police abuse with their cell phones and other new technologies. In the last few years, there has been what seems like a torrent of video footage showing unarmed Black people being assaulted by the police. For instance, there is the shocking video of Walter Scott being shot in the back after fleeing from his car; Eric Garner dying as a result of being put in a chokehold by a white policeman who accused him of illegally selling cigarettes; the tragic killing of Freddie Gray, who, after making eye contact with a police officer, was put in a police van and purposely given a jarring ride that resulted in his death; and the unbearable shooting of 12-year-old Tamir Rice for playing with a pellet gun in the snow in a park. All of these deaths are morally indefensible and are symptomatic of the deep-seated racism and propensity for violence in many police forces in the United States. Yet, as Jeah Lee observes, while such crimes have attracted national attention, the "use of force by cops in schools … has drawn far less attention [in spite of the fact that] over the past five years at least 28 students have been seriously injured, and in one case shot to death, by so-called school resource officers - sworn, uniformed police assigned to provide security on k-12 campuses." [13] Increasingly, **as public schools hand over even routine disciplinary problems to the police, there is a proliferation of cops in schools.** There are over 17,000 school resource officers in more than half of the schools in the United States. [14] In spite of the fact that violence in schools has dropped precipitously, **school resource officers are the fastest-growing segment of law enforcement**. The Militarization of Schools In part, the militarizing of schools and the accompanying surge of police officers are driven by the fear of school shootings, particularly in the aftermath of the Columbine High School tragedy in 1999 and the massacre that took place at Sandy Hook Elementary School in 2013, both of which have been accentuated by the ever present wave of paranoia that followed the terrorist attacks of 9/11. [15] What advocates of putting police in the schools refuse to acknowledge is that the presence of the police in schools has done nothing to stop such mass shootings. While the fear of school shootings are overestimated, the fact remains that schools are still one of the safest places for children to be. Caught under the weight of a culture of fear and a rush to violence, many young people in schools are the most recent victims of a punishing state in a society that "remains in a state of permanent, endless war," a war that is waged through militarized policies at home and abroad. [16] Following Stanley Aronowitz, I think it is fair to argue that with "the breakdown of the mission of public schools … today's authorities no longer offer hope" to this generation of young people. One consequence is that "under the doctrine of control they threaten punishment, which includes, although it is not necessarily associated with, incarceration." [17] Violence against young people in schools is a troubling index of the loss of faith in young people and the transformation of school from a source of social and economic mobility to despotic testing institutions for most youth, and repressive holding centers, primarily for youth of color. [18] **The transformation of disciplinary problems into criminal violations has often resulted in absurd, if not tragic** **results**. What has become clear is that cops in schools have not made schools safer. Erik Eckholm, reporting for The New York Times, stated that judges, youth advocates, parents and other concerned citizens "are raising alarm about what they have seen in the schools where officers are already stationed: a surge in criminal charges against children for misbehavior that many believe is better handled in the principal's office." [19] In Texas, police officers have written "more than 100,000 misdemeanor tickets each year" and many of these students "face hundreds of dollars in fines, community service, and in some cases, a lasting record that could affect applications for jobs or the military." [20] The transformation of disciplinary problems into criminal violations has often resulted in absurd if not tragic results. For instance, in 2009, in Richardson, Texas "A 14-year old boy with Asperger's syndrome was given a $364 police citation for using an expletive in his classroom." [21] It gets even more ludicrous. A 12-year-old student in Stuart, Florida, was arrested in November 2008, for "disrupting a school function." The 'disruption' was that the student had "passed gas." [22] Similarly, a number of civil rights groups have reported that **the presence of police in schools often "means more suspensions, which disproportionately affect minority students**," according to an article in USA Today. [23] Many of the young people who end up in court are poor Black and Brown students, along with students with disabilities. As reported in The New York Times, "police-driven policies have not made schools more secure. But they do make children more likely to drop out and become entangled with the justice system. And they disproportionately affect minority and disabled children, who are more likely to be singled out for the harshest forms of discipline." [24] In one instance, an 8-year-old and 9-year-old in a public school in Kenton County, Kentucky, both with severe disabilities that made it difficult for them to follow classroom instructions, were handcuffed by a deputy sheriff for misbehaving. One child was writhing and crying in pain because of the handcuffs placed around his biceps since his wrists were too small. [25] Such acts are more than shameful, they also are symptomatic of a society that is waging war on many of its children. What must be recognized is that schools in general have become combat zones where it is routine for many students to be subjected to metal detectors, surveillance cameras, uniformed security guards, weapons searches, and in some cases, SWAT team raids and police dogs sniffing for drugs. [26] Under such circumstances, **the purpose of schooling appears to be to contain and punish young people** - especially those marginalized by race, class and disabilities - rather than educate them. For the many disadvantaged students being funnelled into the "school-to-prison pipeline," schools ensure that their futures look grim indeed, as their educational experiences acclimatize them to forms of carceral treatment. [27] There is more at work here than a flight from responsibility on the part of educators, parents and politicians who support and maintain policies that fuel this expanding edifice of law enforcement against the young and disenfranchised. Underlying the repeated decisions to turn away from helping young people is the growing sentiment that youth, particularly youth of color, constitute a threat to adults, and the only effective way to deal with them is to subject them to mind-crushing punishment. **Students being miseducated, criminalized and arrested through a form of penal pedagogy in prison-type schools provides a grave reminder of the degree to which the ethos of containment and punishment now creeps into spheres of everyday life that were largely immune in the past from this type of state and institutional violence**. How else to explain, as Judith Browne Dianis observes that, Across the country, young people are being arrested for behavior that used to be solved through a trip to the principal's office or the intervention of a counselor. In Florida, a 14-year-old was arrested and charged for throwing a pencil at another student and spent 21 days in jail. In New York, a 12-year-old was arrested for doodling, 'I love Abby and Faith on her desk.' In Chicago, 25 children, some as young as 11, were arrested for engaging in a food fight. [28] How many more images of young schoolchildren in handcuffs do we have to witness before it becomes clear that the educational system is broken? **Schools** are no longer reliable spaces of joy, critical teaching and support. Too many **are now institutions of containment and control that produce pedagogies of conformity** and kill the imagination by teaching to the test. SK

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Either way, **protesters were beginning to organize.** That could be of particular concern to Arreguín, given that in February rowdy activists protesting former Breitbart editor Milo Yiannopoulos caused $100,000 worth of damage to the university and earlier this month about 20 people were arrested at a rally against President Donald Trump. Related Stories Ann Coulter Officially Nixes Berkeley Speech The Show Will Go on for Ann Coulter in Berkeley Berkeley Free Speech Alum Support Ann Coulter Event Arreguín is under scrutiny of his own after conservative media claimed he was a member of a Facebook group for the far-left group By Any Means Necessary. "Berkeley is about the free exchange of ideas, but that's not what's happening," he **[the mayor said]** told Mother Jones. "So I think **going forward we are going to need to have a more visible police presence at these incidents and intervene**." The university, meanwhile, has said it's prepared for what may come. **Berkeley police Capt.** Alex Yao **confirmed** at a news conference "**highly visible law enforcement" would be on hand** Thursday, according to the Associated Press. **Chancellor** Nicholas Dirks **released a statement** **urging students** and staff **to follow police instructions** and think critically about their actions. "Our campus will not tolerate acts of violence or the destruction of property in our community, **and UCPD will dutifully investigate, arrest and prosecute anyone who commits crimes on our campus**," he wrote. "Please take care of yourselves and each other." SK

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### Scenario 2 is Revolutionary Speech

**Seditious and anarchist speech is constitutionally protected -**

Pippala16 Bhanodai Pippala, 09-08-2016, ["Seditious Speech And The First Amendment", https://www.theodysseyonline.com/seditious-speech] MJC 2-15-2017

The standard to address seditious speech wasn't fully challenged until **[**is] the 1969 case of [Brandenburg v. Ohio.](http://www.casebriefs.com/blog/law/constitutional-law/constitutional-law-keyed-to-stone/freedom-of-expression/brandenburg-v-ohio-2/) Clarence Brandenburg was a local leader of the KKK and gave a speech which advocated for violence against minorities and Jews. Brandenburg's speech violated [Ohio's syndicalism law](http://law.jrank.org/pages/23050/Brandenburg-v-Ohio-Ohio-Criminal-Syndicalism-Law.html), and he was promptly arrested. The Supreme Court overturned Brandenburg's arrest and created a much greater threshold to restrict seditious speech by enacting the [imminent lawless action test](http://www.firstamendmentcenter.org/what-constitutes-imminent-lawless-action).The seditious speech could be curtailed only if it intended for an imminent criminal action to occur rather than just expressing "bad tendency."

#### Universities restrict anarchist speech in the squo – California proves

Davidson, Alexander. Degree Bachelor of Science in Journalism. California Polytechnic State University. June 2016. <http://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?article=1119&context=joursp>. “The Freedom of Speech in Public Forums on College Campuses: A Single-Site Case Study on Pushing the Boundaries of the Freedom of Speech”. 2-15-2017. JH.

Interviewer: Alexander Davidson Respondent: Professor in the Journalism Department, College of Liberal Arts, at California Polytechnic State University (Bill Loving) Date of Interview: 5/20/2016 AD: What kind of speech should ultimately be protected at California Polytechnic State University? BL: Well, it would be, of course, political speech. Alexander Meiklejohn proposed that speech that bears on the process of democracy should get the ultimate protection, moreso than speech that is not involved in the process of governing a country. But at the same time, pretty much all speech should be protected at California Polytechnic State University. AD: Would you include commercial speech? BL: Commercial speech does have First Amendment protection, just not as strong as noncommercial speech. Now because the university is a state institution, there may be limits as to what commercial speech would be allowed, if for no other reason than the apparent endorsement of the state for a particular product or service, but even with that, as long as it’s speech, it should be protected. The only speech that wouldn’t be protected are those categories of speech outside the protection of the First Amendment: Criminal speech, obscenity, incitement; those things have never been protected by the First Amendment so it seems to be working. AD: Should derogatory speech that’s considered something like hate speech be protected? BL: Are you talking about going up to someone and saying, ‘I’m attacking you and I’m using words’ or are you talking about using words that some people find to be degrading, harmful and insensitive? AD: I’d say both. BL: Well, incitement isn’t protected by the First Amendment so if someone wants to go pick a fight and incite lawless action, then they have to deal with incitement laws. Here’s the way I explain it to students. I grew up in the nascent period of the Civil Rights 77 movement. The same First Amendment that protected Dr. King is the same First Amendment that protected George Wallace and Lester Maddox. It protected Medgar Evers and it also protected the Grand Kleagle of the Ku Klux Klan. The First Amendment exists for unpopular speech, speech that it unordinary, speech that a lot of people think can cause great harm or even the destruction of society as we know it. But when we can protect speech on the fringes, then we can know that all other speech coming into the mainstream will be protected. So as an Asian American, I have had hateful words directed at me, I’ve heard hateful words directed toward my mother and to my brother. They weren’t always pleasant, but if we start to gag people, where do you stop? Right now there are folks in the country who say persons advocating for trans people to use their gender-identitied bathrooms is an attack on everybody and that it is “hate speech” to suggest that a “man” can go into a woman’s bathroom. The same thing with respect to same-gender marriage – some people say it’s “hate speech” because it’s attack the institution of marriage that they grew up with and they know. They’ll say, ‘it’s attacking my religion and my culture.’ So who’s hateful speech are you going to oppress? AD: Wasn’t that kind of the case in RAV where Scalia kind of says that you can’t stop one type of symbolic burning but not all others? BL: It wasn’t Scalia that said that, it was the concurrences. Scalia was only talking about elevating fighting words and giving them First Amendment protection, but in that case, it’s the same thing, yes. Who do you punish? In that case, it’s which is the speech that’s okay? If you say “oriental,” is that bad? If you say, “Asian,” is that better? Words change. I remember as a young person people saying, “The American negro should enjoy the same rights as everybody else.” And then Negro became a term that was pejorative. Black, African American. Things change as society changes so what are you going to do? AD: I’m sure you’re familiar with the Free Speech Wall put up by the Republicans on campus and how there was derogatory comments on the Muslim faith and also on gender identity. Should something like that be protected speech? BL: Yes. And it should be protected just as the people who responded to that speech with their own statements should be protected. Justice Louis Brandeis said that the fitting remedy for evil councils is good councils. That is to say if there is speech that you find abhorrent, then speak out about it. The First Amendment guarantees everybody’s right to express an opinion so if someone is expressing an opinion that you think is hateful, then you have the same right to go out and say, ‘I think this is hateful.’ You have the same right to make the argument as to why that speech isn’t true. And if your argument is sound, then you may win somebody over. If your argument is not sound, they might not be won over or they may be so intractable that no matter what you would say, they would never change. But it’s not just a debate in which the two speakers are engaged, it’s a debate that everybody participates. Everybody gets to see what you have to say compared to the other person and they can choose because we have a marketplace of ideas. The marketplace says that the way to find the truth is to see all versions of the truth and that seeing falsehoods helps us understand what is true. So, I tell a story in class about the story of Pocatello, Idaho. It had a public access channel and the public access channel 78 would allow anybody to come in and create a 30-minute cable show. And so there were shows on knitting, macramé and home canning – anything you wanted to talk about. A group of white separatists came down from the northern part of the state and they said, ‘oh, we’d like to have our own 30-minute show,’ and then they waited to see what would happen. A lot of people said, ‘you can’t let the white separatists get on the cable channel, they’ll say hateful things, they’ll be mean, they’ll be terrible, they’ll incite violence; don’t let them on.’ But the question was: How do you discriminate against that point of view when you haven’t discriminated against any point of view in the past? So the city fathers and mothers got together and the white separatists were expecting that they would be denied, which would make them First Amendment martyrs and demonstrate how the government really is against their point of view or their particular race. But that didn’t happen. Instead, the city said, ‘you may have your 30-minute cable program and we’re going to let anybody who wants to talk about what you have to say in your cable program have 30-minute programs before yours comes on and have 30-minute programs after yours comes on and great, everybody gets a say.’ That wasn’t what the white separatists were looking for. They were looking for controversy. They were looking for a way to say, ‘we’re being persecuted.’ So the day that they were supposed to show up and take the 30-minute program, nobody appeared because they didn’t get what they wanted. They wanted a symbolic victory over the forces arrayed against white people. Well, that was the best way to deal with that. If someone has a terrible idea, then counter that with a better idea or counter it with speech showing that it’s a terrible idea. AD: It makes sense. When I’ve looked at my research, that’s pretty much what I’ve found. A lot of the time when you have these terrible things that happen across campuses, you more times than not have people who stand up. You have one person doing something terrible and then you have a hundred people who gather the next day and say, ‘we’re not like that.’ But going off the derogatory speech, with the Crops house incident that happened, one thing they did is they hung a noose that was involved with their display, and I know that with cross burning, a part of the reason it can be banned is because of the historical context as far as being used to intimidate. Is something like the noose at the Crops house unprotected because there seems to be a historical context of intimidation? BL: Well, understand that the cross burning laws, the one that made it to the Supreme Court, Virginia v. Black, did not ban cross burning. It made putting up a cross on property where the public could see it a crime. It was the crime of intimidation because in the deep south, the Virginia Court is part of that, burning crosses were used by the KKK as a symbol of its power and a warning to people that if there was a burning cross, somebody was going to die. Under that special circumstance, the burning cross could be viewed as an act of intimidation. It didn’t say you couldn’t have a burning cross, it just said that if you burn a cross you are engaged in the criminal act of intimidating people. In California, we don’t have that history. In California, well, and in the west, in the west, yes, there was racism, a good deal of it directed at Asians, but we didn’t have the Klan as active and as violent as we had in the south. So it doesn’t mean the same thing. In the west, a noose means lynching somebody and people who got lynched weren’t always black or Hispanic. A lot of times it was the mob deciding that it would take justice into its own 79 hands because they either didn’t trust the system of they thought the system was taking too long. So the noose in and of itself isn’t that. You could make an argument that the noose represents suicide and it reminds people of loved ones who have killed themselves and therefore it’s hateful in that respect. So it doesn’t have the same history and so the effect isn’t as deeply felt. If they had a burning cross at the Crops house, yes it would be something that was viewed as hateful, but California didn’t have the lynchings, the beatings and the shootings that the south had so while it’s a symbol that’s an anathema to people, it’s not the symbol that it evokes the deep down primal fear that a burning cross in the south would. Now, you’ll notice that following the Crops house incident, a lot of people spoke up and they said, ‘we think this is not a good idea, we think, in fact, that this is hateful speech,’ and that’s exactly what the First Amendment exists for. Someone can say something and you can agree or disagree and your expression of agreement or disagreement is defining who you are and also helping to further a discussion with the hopes of winning people over to your side or at least getting people to consider things that they might not consider. AD: So how far can speech, I know that you’ve talked about the certain categories of speech that isn’t provided the protection given by the First Amendment, but how far can speech be pushed before it is considered unprotected? BL: Well, how far is the limit of a statute, the judgment of the judge, that of the jury and then the appellate courts and we’ve been really sensitive at different times in our history. We were afraid of anarchists and so we made speech about anarchy a crime. We were afraid of communists so we made speech or action about communism a crime. We were afraid of fascists. We get scared of a lot of things and then we criminalize them and then decades later we realize that we went overboard. Every so often I think we’ve progressed and we’ve gotten better and then something comes up and we’re back to the same old caveman fear-reaction and rather than figure out what’s going on we will just make it a crime and put those people away where they can’t make us upset. So, how far can speech go? It depends on the circumstances, it depends on how society has defined crimes and it depends upon the good sense of people. Good sense of people, very often, isn’t good.

#### Colleges restrict any anti-state speech, even anti-colonialist speech – it impacts back to the framework and has a material impact of police crackdowns and firing of minority professors.

Khan ’15, [Tariq. Professor at NYU. 10-28-15. MASKING OPPRESSION AS “FREE SPEECH”: AN ANARCHIST TAKE. Anarchist Agency. <http://www.anarchistagency.com/commentary/masking-oppression-as-free-speech-an-anarchist-take/> JH. 2-17-2017.]

Yet, while **students who protest imperialist discourse are characterized as a threat to free speech**, the actual threat to free speech in academia goes unchallenged by leading media outlets.[2] October 8, 2015, at the Community College of Philadelphia, English **professor Divya Nair** spoke at a rally organized by students in protest of police recruiters on campus. The students and Professor Nair **drew connections between colonialism and modern US policing**; particularly the police tactic of recruiting poor people of color to act as the capitalist state’s foot-soldiers to control poor Black and Brown communities. **Later** that day, **school authorities suspended Professor Nair** without pay, and they have since suspended three student group members who are facing disciplinary hearings. In the past few years **there has been a noticeable campus crackdown on anti-colonialist expression**. Last year the American Indian Studies Program at the University of Illinois, Urbana-Champaign hired Professor Steven Salaita, known for his comparative studies of US settler colonialism in the Americas and Israeli settler colonialism in Palestine. Under pressure from wealthy donors, Israel lobby groups, and establishment politicians, the Chancellor and the Board of Trustees stepped in – against the wishes of the American Indian Studies Program – and “unhired” Salaita, citing the supposedly “uncivil” tweets he posted criticizing Israel’s indiscriminate killing of civilians – including over 500 children – in Gaza last year. Several law-makers, Israel lobbyists, and campus authorities have likewise been working to silence the growing BDS (Boycott, Divestment, and Sanctions) movement against Israeli apartheid. Anti-colonialist students have also faced silencing and punishment. For example, earlier this semester at Cal State Sacramento, sophomore Chiitaanibah Johnson (Navajo/Maidu) was belittled and told by her professor that she was expelled from his US history course after she quite correctly challenged his assertion that the United States did not carry out genocidal anti-Indian policies. All of these cases and many other similar ones resonate with my own experience. Ten years ago, when I was an undergraduate at George Mason University, I was violently attacked by vigilantes and police for protesting military recruiters on campus. Right-wing students called me a “pussy” and a “faggot,” and ripped the anti-militarist sign off of my chest. Vigilantes held me down to “assist” the officers in brutalizing and handcuffing me. When the police saw my foreign name, they decided I was a terrorist. One officer blamed me for 9-11. Another officer yelled at me, “You people are the most violent people in the world.” An officer threatened to hang me upside-down from the ceiling in my jail cell for “running my mouth.” Even though I was a student at the university, **the police charged me with trespassing and disorderly conduct.** At first, University officials defended the police’s actions by saying I “was considered to be distributing literature.” In spite of the fact that the most egregious violations of free speech and academic freedom are committed in service to right-wing and establishment interests higher on the social hierarchy than students and professors, there is a highly problematic narrative proliferating in the United States; that today’s college students are “oversensitive” or “too politically correct” and that this supposed oversensitivity is leading to a crackdown on free speech and academic freedom. Both conservatives and liberals have perpetuated this false narrative. Conservative columnist George Will complained that the right of thin-skinned liberals “to never be annoyed” has become “a new campus entitlement.” In a popular Vox article titled “I’m a Liberal Professor, and my Liberal Students Terrify Me,” a college professor using the pseudonym Edward Schlosser complained about a climate of fear in academia caused by an overemphasis on the “safety and comfort” of students from historically marginalized groups.SK

#### Anarchist speech is uniquely good – we do not defend the rhetoric of rights or legitimize the state but rather are the principle and rhetoric that allow us to challenge the discipline and control of the state. Also, free speech gives individuals the common language to build coalitions for better solutions to problems.

CrimeThink ’17, [Crimethinc. Ex-Workers Collective(), This Is Not a Dialogue, CrimethInc., xx-xx-xxxx, xx, https://crimethinc.com/2017/01/26/this-is-not-a-dialogue-not-just-free-speech-but-freedom-itself, 2-17-2017. SK]

There appears to be a broad consensus in the US political spectrum in favor of the right to free speech. While opponents may quibble over the limits, such as what constitutes obscenity, pundits from left to right agree that free speech is essential to American democracy. Appeals to this tradition of unrestricted expression confer legitimacy on groups with views outside the mainstream, and both fascists and radicals capitalize on this. Lawyers often defend anarchist activity by referencing the First Amendment’s provision preventing legislation restricting the press or peaceable assembly. We can find allies who will support us in free speech cases who would never support us out of a shared vision of taking direct action to create a world free of hierarchy. **The rhetoric of free speech and First Amendment rights give us a common language with which to broaden our range of support and make our resistance more comprehensible to potential allies, with whom we may build deeper connections over time**. But at what cost? This discourse of rights seems to imply that the state is necessary to protect us against itself, as if it is a sort of Jekyll and Hyde split personality that simultaneously attacks us with laws and police and prosecutors while defending us with laws and attorneys and judges. If we accept this metaphor, it should not be surprising to find that the more we attempt to strengthen the arm that defends us, the stronger the arm that attacks us will become. **Once freedom is defined as an assortment of rights granted by the state, it is easy to lose sight of the actual freedom** those rights are meant to protect and focus instead on the rights themselves—implicitly accepting the legitimacy of the state. Thus, when we build visibility and support by using the rhetoric of rights, we undercut the possibility that we will be able to stand up to the state itself. We also open the door for the state to impose others’ “rights” upon us. The Civil Liberties Defense In the US, many take it for granted that it is easier for the state to silence and isolate radicals in countries in which free speech is not legally protected. If this is true, who wouldn’t want to strengthen legal protections on free speech? In fact, in nations in which free speech is not legally protected, radicals are not always more isolated—on the contrary, the average person is sometimes more sympathetic to those in conflict with the state, as it is more difficult for the state to legitimize itself as the defender of liberty. Laws do not tie the hands of the state nearly so much as public opposition can; given the choice between legal rights and popular support, we are much better off with the latter. One dictionary defines civil liberty as “the state of being subject only to laws established for the good of the community.” This sounds ideal to those who believe that laws enforced by hierarchical power can serve the “good of the community”—but who defines “the community” and what is good for it, if not those in power? In practice, the discourse of civil liberties enables the state to marginalize its foes: if there is a legitimate channel for every kind of expression, then those who refuse to play by the rules are clearly illegitimate. Thus we may read this definition the other way around: under “civil liberty,” all laws are for the good of the community, and any who challenge them must be against it. Focusing on the right to free speech, we see only two protagonists, the individual and the state. Rather than letting ourselves be drawn into the debate about what the state should allow, anarchists should focus on a third protagonist—the general public. We win or lose our struggle according to how much sovereignty the populace at large is willing to take back from the state, how much intrusion it is willing to put up with. **If we must speak of rights at all, rather than argue that we have the right to free speech let us simply assert that the state has no right to suppress us**. Better yet, let’s develop another language entirely. Free Speech and Democracy… The discourse of free speech in democracy presumes that no significant imbalances of power exist, and that **the primary mechanism of change is rational discussion**. In fact, a capitalist elite controls most resources, and power crystallizes upward along multiple axes of oppression. Against this configuration, it takes a lot more than speech alone to open the possibility of social change. There can be no truly free speech except among equals—among parties who are not just equal before the law, but who have comparable access to resources and equal say in the world they share. Can an employee really be said to be as free to express herself as her boss, if the latter can take away her livelihood? Are two people equally free to express their views when one owns a news network and the other cannot even afford to photocopy fliers? In the US, where donations to political candidates legally constitute speech, the more money you have, the more “free speech” you can exercise. As the slogan goes, freedom isn’t free—and nowhere is that clearer than with speech. Contrary to the propaganda of democracy, ideas alone have no intrinsic force. Our capacity to act on our beliefs, not just to express them, determines how much power we have. In this sense, the “marketplace of ideas” metaphor is strikingly apt: you need capital to participate, and the more you have, the greater your ability to enact the ideas you buy into. Just as the success of a few entrepreneurs and superstars is held up as proof that the free market rewards hard work and ingenuity, the myth of the marketplace of ideas suggests that the capitalist system persists because everyone—billionaire and bellboy alike—agrees it is the best idea. …So Long as You Don’t Do Anything But what if, despite the skewed playing field, someone manages to say something that threatens to destabilize the power structure? If history is any indication, it swiftly turns out that freedom of expression is not such a sacrosanct right after all. In practice, we are permitted free speech only insofar as expressing our views changes nothing. The premise that speech alone cannot be harmful implies that speech is precisely that which is ineffectual: therefore anything effectual is not included among one’s rights. During World War I, the Espionage Act criminalized any attempt to “cause insubordination, disloyalty, mutiny, [or] refusal of duty” or to obstruct recruiting for the armed forces. President Woodrow Wilson urged the bill’s passage because he believed antiwar activity could undermine the US war effort. Alexander Berkman and Emma Goldman were arrested under this law for printing anarchist literature that opposed the war. Likewise, the Anarchist Exclusion Act and the subsequent Immigration Act were used to deport or deny entry to any immigrant “who disbelieves in or who is opposed to all organized government.” Berkman, Goldman, and hundreds of other anarchists were deported under these acts. There are countless other examples showing that when speech can threaten the foundation of state power, even the most democratic government doesn’t hesitate to suppress it. Thus, when the state presents itself as the defender of free speech, we can be sure that this is because our rulers believe that allowing criticism will strengthen their position more than suppressing it could. Liberal philosopher and ACLU member Thomas Emerson saw that freedom of speech “can act as a kind of ‘safety valve’ to let off steam when people might otherwise be bent on revolution.” Therein lies the true purpose of the right to free speech in the US. Not Free Speech, but Freedom Itself Obviously, **anarchists should not organize against free speech**. But the stranglehold of the state on the discourse of free speech seems to set the terms of the debate: either we condone censorship, or we condone state protection of our enemies and their right to organize against us and others. This results in paradoxes, such as radicals being accused of opposing freedom for shutting down a fascist speaker. In contrast to state protection of KKK rallies and the like, there are models of free expression that neither depend upon the enforcement of rights from above nor sanction oppressive behavior. **Anarchists** might **judge speech** not as something fundamentally different from action, but **as a form of action**: when it harms others, when it reinforces hierarchies and injustices, we confront it the same way we would confront any other kind of abuse or oppression. This is simply self-defense. When a xenophobic politician comes to speak at a public university, his honorarium is paid with tax money extorted from workers and given to universities so it will continue to circulate among the rich and powerful. Regardless of right-wing whining about the marginalization of conservative opinions, the fact that he is powerful enough to secure lucrative speaking engagements indicates that his views are hardly suppressed. As a wealthy white citizen and public figure, his opportunity to express himself can’t reasonably be compared to the opportunity of, say, the immigrants he scapegoats. If their voices and agency actually held equal weight, the politician could say whatever he wanted, but would be powerless to subject others to his schemes. **When we confront** him directly rather than politely disagreeing, **we’re** not attacking his right to express his opinions. We’re **confronting** the **special advantages** he is accorded: **taxpayer money, police protection, an exclusive soapbox**. We’re confronting the power he wields over our lives through institutions built on violence, a power he means to extend by using speaking events to gain wealth, legitimacy, and recruits to his racist endeavors. **Confronting** him **is a political practice that** does not reduce freedom to rights, but **challenges the privileges of the state**—that makes no false dichotomy between speech and action, but judges both by the same standards—**that does not enable the state to frame itself as the defender of free speech, but asserts that we are the only ones who can defend and extend our own freedom**. SK

### ADV – Student Government

#### Political speech is protected in the squo.

Victoria Kwan, 4-3-2014, "Symposium: The First Amendment’s protection of political speech extends to both donations and spending," SCOTUSblog, http://www.scotusblog.com/2014/04/symposium-the-first-amendments-protection-of-political-speech-extends-to-both-donations-and-spending/

As the Court explained in [Roth v. United States](http://www.bloomberglaw.com/public/document/Roth_v_United_States_354_US_476_77_S_Ct_1304_1_L_Ed_2d_1498_1_Med/1), the First Amendment broadly **protects** political expression in order to “assure [the] unfettered interchange of ideas for the bringing about of political and social changes desired by the people.” .  Campaign contributions and expenditures facilitate such interchanges and are thus vital to our democracy. Yet our current restraints unconstitutionally stifle political speech and inhibit the unfettered interchange of ideas.

#### College student government officers are silenced reducing activism.

Benjamin Lockwood, 1-21-2014, "UWM sued over dissolution of student government," Marquette Wire, https://marquettewire.org/3848622/tribune/tribune-news/uwm-sued-over-dissolution-of-student-government/

In a letter written to the president of the former student government, UWM [University of Wisconsin]’s Chancellor Michael R. Lovell mentioned a list of grievances an independent investigation led by members of UW-Whitewater found against the student government. These included ballot issues, conflicts of interest and reliance on old, now-amended, bylaws that were allegedly used to prevent certain students from taking office, among other things. After the student government dissolved, it was replaced by a Board of Trustees, and all students elected in the 2013-14 student elections were permanently barred from taking office. “Based on the numerous issues that directly affected the fairness of these elections and the ability of the students outside of the current governing party to participate, the administration will not recognize the current election results as valid,” Lovell said in the letter. “As you may know, this is an unprecedented decision by the UWM administration, but I believe it is warranted under the circumstances based on the egregious nature of the many procedural flaws in the election process.” Scott disagreed with the findings, however, claiming that the investigation was faulty. “What he is mentioning he draws from the ‘independent’ investigations into the elections by UW-Whitewater,” Scott said in an email. “That report is baseless and without any documentation or fact. We were going to appeal the action by the Chancellor to the Board of Regents, but then the University Student Court decided to extralegally invalidate the elections because of the Chancellor’s action.” The student court issued an “emergency order” after receiving the letter from the chancellor. The named petitioner was Lovell, and the named defendant was the Student Association of UW-Milwaukee. According to the formal complaint by the plaintiffs, “The USC has no authority, express or otherwise, to hear a case brought by the chancellor against the student government.” After the emergency order took effect, the student court issued a new election to take place that would override the previous one. It then made itself the “Interim Administrator” of the Student Association, and created a Board of Trustees to administer as its subordinate, according to the official complaint. Scott and Siddique said in the formal complaint that they consider the board to be an illegal “puppet government” for the university. Since June 1, 2013, the Board of Trustees continued on as the official governing body for the students of UWM.

#### College officials silence student government speech in the status quo. This itself is spurred on by the college *silencing speech* so any form of silencing speech creates cyclical silencing of speech, especially of student government.

Alliance Defending Freedom (ADF) Nov, 11-9-2009, "College launches attack campaign on student body president over pro-life group’s display," ADF, http://www.adflegal.org/detailspages/press-release-details/college-launches-attack-campaign-on-student-body-president-over-pro-life-group-s-display

SACRAMENTO, Calif. — Attorneys with the Alliance Defense Fund Center for Academic Freedom have issued a [cease-and-desist letter](http://www.telladf.org/UserDocs/MaciasLetter.pdf) to Sacramento City College officials after [subjected] the president of the Associated Student Government was subjected to an illegal recall election for refusing to censor a pro-life group on campus. College officials targeted Steve Macias for retaliation after they attempted to censor the speech of an off-campus pro-life group that ASG had already voted to allow to participate in a campus event. Macias refused to censor the pro-life display on the grounds that doing so would violate the group’s First Amendment rights. The officials and ASG retaliated by subjecting him to an illegal recall election.

#### Student government speech is crucial to (a) reduce market-driven control of the public college and (b) maintain balance and introduce student interest into decision making calculi.

Scruggs, 2014, "Student Government Leadership in the 21st century" University of Louisville, http://ir.library.louisville.edu/cgi/viewcontent.cgi?article=1076&amp;context=honors

Now, more than ever, there has been a debate in higher education about the intentions and purposes of higher education itself: the more traditional academia definition or a model that follows a free-market philosophy. Defined by the Cato Institute, market-driven education is determined by how close the institution approximates a free market; it is essentially how well they are accomplishing the task of educating students in a competitive market against their opponents, or other institutions (Kaklauskas et al., 2012). Basically, public universities are slanted more to a business-model, trying to manage a smaller budget and still managing to graduate students and pay salaries. This is not inherently harmful to students, as mentioned earlier in the “rat race” to provide more services and more amenities to students to increase enrollment. The survival mentality is going to take a university faced with this problem in one of two directions, towards a student-centered philosophy or towards a market-driven philosophy that ignores the student. This fundamental issue in higher education has great implication for the work and success of Student Government and its leaders. As Giroux (2008) argues, democracy and the democratic process, known in higher education as shared governance, is crucial and intrinsic to higher education itself and the idea of “higher education as a private consumer good” (Gorman, 2012, p. 73) is toxic because it diminishes the importance of, as mentioned before, perspective-taking to come to one unified decision, decided on by all representative entities of the university. While Giroux (2008) mainly refers to the faculty of a university losing their rights and entitlements, his argument can extend to Student Government and students of a university in general. In the “private consumer model”, universities are more focused on budgets, how to get more funding, and how to exist in the now. This shifts the attention away from what students need, be it more classroom space, more residence halls, more parking or an increase in the services provided to students, to what the university absolutely has to provide students, a college education (Gorman, 2012). This complicates the roles of Student Government leaders, who are encouraged to use perspective-taking and to try to understand what university administrators are going through, making difficult decisions that could affect students negatively. However, the Student Government leaders also have to answer to their constituents and fight for them. The[re is] internal conflict a Student Government leader can feel, fighting between administrations that ignore legitimate student concerns and the student’s opinions themselves, can cause much emotional distress and lack of self-esteem and confidence. With a 50% increase in the college student population from 1970 to 2011, according to Time (2012), the importance of students and issues that relate to college students go up. However, in the market-driven approach, this increase in students lead to not only stagnant services, but a decrease in total services offered. Paired with two, three, and sometimes, four-fold increase in tuition costs plus an average of 13% decrease in state funding between 2006 and 2011, according to Time (2012), students face a less student-friendly and more daunting atmosphere in higher education, one that has implications for retention and the ability to pay off the debt in a stagnant and often under-paying job market (Au, 2012). The looming threat of unsurmountable debt and the quality of experience a student gets for that debt all lead to the college dropout problem. As Hunt and Tierney (2006) explain, there is a shared responsibility for that issue; this shared responsibility involves public investment and the federal and state governments, but also the institutions themselves. It is up to the institution to ensure that they are preparing students not only for a future career, but that higher education is preparing our future civic and social leaders in whatever field they go into (Pompper, 2006). Part of this responsibility, at an institution, falls upon Student Government and the elected representatives of the student body. However, if an institution is not accepting a portion of the responsibility described by Hunt and Tierney (2006), the students suffer and cause stress and frustration in the work of Student Government leaders, who themselves are growing and learning in the role and as a college student.

#### Student government is the breeding ground for tomorrow’s intellectuals

Scruggs, 2014, "Student Government Leadership in the 21st century" University of Louisville, http://ir.library.louisville.edu/cgi/viewcontent.cgi?article=1076&amp;context=honors

Student Governance and Student Government Leadership, while studied to a varying extent, has many implications for higher education that warrant its studying. If shared governance is truly a tenant of higher education, Student Government serves as the student voice in that model and implies a role of students in the decisions made by the university. The legacy of a university is its students and thus, it is important for the university to ensure that legacy is a strong one. As Student Government is the voice of students, universities can rely on Student Government to ensure the student campus-experience is a satisfying and fulfilling one. Finally, if a university’s goal is to nurture and develop[s] future civic leaders and engaged citizens, there is not a better place to do so than through Student Government, teaching and conferring skills and leadership traits that one will need later on in life. In the importance of Student Governance, there is an importance in developing the Student Government leader. Thus is the motivation and inspiration for this study. This study aimed to determine what makes Student Government so important and relevant in higher education and how we could support Student Government leaders to match those reasons. An additional aim was to figure out if there was a noticeable difference between how Student Government leaders work and the support they receive between today and decades earlier. There was no noticeable difference in the term of tenure and how Student Government leaders and the support they received, alternatively finding much universality and commonality between those that served most-recently and those that served in the role less-recently. However, using current literature and qualitative research of former Student Government leaders at State University using a semi-structured interview, the researcher was able to determine Student Government’s importance and relevance to institutions of higher education and higher education itself. The results of accomplishments of Student Government leaders impact universities and higher education and are accomplished through three themes: a) Personal Impact or The Importance of SGA and Student Development, b) Relationships and Working with Others or The Importance of Advisors [and Administrators], and c) Institutional Culture or Importance of the Orientation of Institutional Culture. Without Student Government, institutions and higher education would lose a valuable entity that helps prepare our nation’s future civic leaders and engaged citizens. Thus, it is important to ensure the success of Student Government and consequently, the success of Student Government leaders. By following the proposed list of learning and development objectives, Student Government Advisors and Student Government itself has a roadmap to ensuring the success of its leaders, in turn setting up the success of the institution and higher education itself.

#### Students speech is a force of *lasting* change in public colleges and universities – history proves.

Institute for Humane Studies (IHS), xx-xx-xxxx, "Free Speech On Campus," https://theihs.org/campus-events/free-speech-on-campus/

Free speech and open inquiry on campus has been a critical part of social change throughout American History. From UC Berkeley students organizing during the civil rights movement [to] and Vietnam War protests to modern day movements around LGBTQ issues, immigration policies, Black Lives Matter, and more, free speech on campus guarantees our ability to stand up for what we believe in. Free speech is vital in a liberal society. Open dialogue allows people to resolve issues peacefully while learning from each other in the process. The ability to freely express our thoughts, beliefs, and desires has been at the root of every lasting social advancement, because persuasion is much more powerful than coercion. Speech—no matter the content or its messenger—should be met with speech. What are the threats to free speech and open inquiry on your campus? [Learn Liberty](http://www.learnliberty.org/), a project of IHS, offers hundreds of videos in which we investigate the principles behind a free society, including academic freedom.

## 1AC – Modules

### S – Mechanism – Pass Bill

#### Congress ought to pass [insert bill name here]. http://www.wnd.com/2017/02/plan-emerges-to-require-colleges-allow-free-speech/#M7Y993JqjZ43BgBZ.99

What could be more constitutional than the U.S. Constitution? Yet, students have been arrested for handing out the nation’s founding document, because it’s deemed unacceptable speech on a college campus. In fact, such incidents have occurred mostly every year since 2010. Colleges repeatedly are being told by courts that they cannot set up a small fenced area behind a maintenance building and call it a “free speech zone,” disallowing ordinary communications on all other areas of campus. Yet, Wednesday night’s riot at the University of California at Berkeley was precisely an attempt to squelch the speech of conservative activist Milo Yiannopoulos, who had been invited by the campus chapter of College Republicans. Leftists were so outraged that they set fires, destroyed stores and injured people. Political correctness is just the beginning. The situation on college campuses is worse than you could ever imagine – and America’s future is at stake. Don’t miss the political blockbuster of 2017 – “No Campus For White Men” by Scott Greer WND long has reported the politically correct speech limits on university and college campuses, which usually are found illegal when challenged in court. But now there’s an organized pushback to such constitutional violations: a model law proposed in a report “calling on public universities to adopt policies that would punish students who physically block other students from attending campus events where unpopular speakers or ideas will be discussed.” The report, “Campus Free Speech: A Legislative Proposal,” comes from the Goldwater Institute in collaboration with Stanley Kurtz of the Ethics and Public Policy Center. A spokeswoman said the report explains that, yes, people do have a constitutional right to hear speakers of their choice or exchange ideas, and violence preventing free speech should not go unpunished. Explains the free speech report: “In her 2016 convocation speech, Brown University President Christina Paxson explained that a reporter had recently asked school officials if Brown had established any ‘safe spaces’ on campus. ‘What on earth are they referring to?’ Paxson said. ‘Idea-free zones staffed by thought police, where disagreement is prohibited?’ While ‘safe spaces’ have become the stuff of Saturday Night Live skits, the truth is, this kind of challenge to campus free speech is now widespread. Surveys show that student support for restrictive speech codes and campus bans on controversial speakers is at historic heights.” The report said that nowhere “is the need for open debate more important than on America’s college campuses.” “Students maturing from teenagers into adults must be confronted with new ideas, especially ideas with which they disagree, if they are to become informed and responsible members of a free society.” Calling free speech “the increasingly imperiled principle and practice” on campuses, the report proposes legislation that would fix a number of problems. It suggests an official university policy that “strongly affirms the importance of free expression, nullifying any existing restrictive speech codes in the process.” The proposed legislation also would prevent administrators from “disinviting” speakers, set up disciplinary actions for students “and anyone else” who interferes with others’ free speech, and allow victims to recover court costs and attorney’s fees. VIDEOOpinion Journal: Censorship on Campus Play Mute Current Time 0:06 / Duration Time 2:46 Loaded: 0%Progress: 0% Fullscreen It also would affirm that universities should remain neutral on controversies and ensure that students know about the policies and report to authorities on the problems that develop. “To my knowledge, this is the most comprehensive legislative proposal ever offered to protect and preserve campus free speech. It promises to kick off a national debate on how best to address the ever-growing threats to freedom of thought and expression at our colleges and universities,” said Kurtz, senior fellow at the Ethics and Public Policy Center. “The Campus Free Speech Act gives the First Amendment bite,” said Jim Manley, senior attorney at the Goldwater Institute and a co-author of the act and report. ‘Where this bill becomes law, there will be real consequences for anyone – including protesters, administrators, or professors – who tries to prevent others from expressing their opinions. The legislation also provides robust due process protections for anyone accused of trying to silence speech.” The movement already has begun. The institute worked on legislation in Arizona last year that made college campuses free speech zones. WND also reported when a state lawmaker in Washington state proposed a financial penalty for violating the Constitution. The bill drafted by Rep. Matt Manweller included a fine of at least $500 for a university’s “active suppression of students’ First Amendment rights.” And it would grow by $50 per day until the violation is removed. In Colorado, the Denver Post said, lawmakers are working on a plan to “give free rein to free speech on college campuses by eliminating free-speech zones.” Senate Bill 62 also would give students the right to take a college or university to court if they believe their free speech rights have been violated, even though they couldn’t collect monetary damages. Sen. Tim Neville, R-Littleton, explained the plan simply would ensure the free exchange of ideas. “The rise of so-called ‘Free Speech’ or ‘Safe Space’ zones spreads the incorrect idea that our students should limit their speech to confined areas – often out of sight of the public or their peers,” Neville said. The report explains: “The primary function of a university is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate. To fulfill this function a free interchange of ideas is necessary not only within its walls but with the world beyond. It follows that the university must strive to ensure the fullest degree of intellectual freedom. Although the need for intellectual freedom cannot by itself fully resolve the question of what to teach or how to structure the curriculum, free expression is a central value and priority of university life. “Because the university is committed to free and open inquiry in all matters, it guarantees all members of the university community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the university, the university fully respects and supports the freedom of all members of the university community to discuss any problem that presents itself.” It specifically explains that people undoubtedly will meet up with others with whom they disagree and ideas they may not like, but “it is not the proper role of the university to attempt to shield individuals from speech protected by the First Amendment, including, without limitation, ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.” The Berkeley riots, in which at least six were injured, show, according to Young Americans for Liberty, that schools need help in protecting Free Speech. “Instances like this prove that even the most liberal, open-minded campuses in our country harbor intolerance for those that disagree with them. Simply because they did not support the message and principles that Yiannopoulos stands for, students and protesters wreaked havoc and violence ensued. The violence caught the attention of President Trump as he tweeted, “If U.C. Berkeley does not allow free speech and practices violence on innocent people with a different point of view – NO FEDERAL FUNDS?” the group said. YAL President Cliff Maloney Jr. said: “Speakers of all political persuasions should be welcome at universities, especially public ones. Free academia & free thought is essential to the mission of a university, and the well-being of a free society. Protests like the ones at UC Berkeley reflect a dangerous, anti-free speech trend on America’s college campuses.”

### ADV – Comedians

#### Comedians are discouraged from performing on college campuses – speech restrictions encourage hypersensitivity, which deter comedians from making jokes.

Lukianoff, Greg and Jonathan Haidt **‘**15 [Greg Lukianoff is the president and CEO of the Foundation for Individual Rights in Education and the author of [Unlearning Liberty](http://www.amazon.com/Unlearning-Liberty-Campus-Censorship-American/dp/1594037302/). Jonathan Haidt is a social psychologist and Thomas Cooley professor of ethical leadership at the NYU-Stern School of Business. His most recent book is [The Righteous Mind: Why Good People Are Divided by Politics and Religion](http://www.powells.com/biblio/74-9780307377906-0). Atlantic, September 2015, ["How Trigger Warnings Are Hurting Mental Health on Campus", https://www.theatlantic.com/magazine/archive/2015/09/the-coddling-of-the-american-mind/399356/] KW 2-15-2017

Something strange is happening at America’s colleges and universities. A movement is arising, undirected and driven largely by students, to scrub campuses clean of words, ideas, and subjects that might cause discomfort or give offense. Last December, Jeannie Suk wrote in an online article for *The New Yorker* about law students asking her fellow professors at Harvard not to teach rape law—or, in one case, even use the word *violate* (as in “that violates the law”) lest it cause students distress. In February, Laura Kipnis, a professor at Northwestern University, wrote an essay in *The Chronicle of Higher Education*describing a new campus politics of sexual paranoia—and was then subjected to a long investigation after students who were offended by the article and by a tweet she’d sent filed Title IX complaints against her. In June, a professor protecting himself with a pseudonym wrote an essay for Vox describing how gingerly he now has to teach. “I’m a Liberal Professor, and My Liberal Students Terrify Me,” the headline said. A number of popular comedians, including Chris Rock, have stopped performing on college campuses (see Caitlin Flanagan’s [article](https://www.theatlantic.com/magazine/archive/2015/09/thats-not-funny/399335/) in this month’s issue). Jerry Seinfeld and Bill Maher [Many] have publicly condemned the oversensitivity of college students, saying too many of them can’t take a joke.Two terms have risen quickly from obscurity into common campus parlance. Microaggressions are small actions or word choices that seem on their face to have no malicious intent but that are thought of as a kind of violence nonetheless. For example, by some campus guidelines, it is a microaggression to ask an Asian American or Latino American “Where were you born?,” because this implies that he or she is not a real American. *Trigger warnings* are alerts that professors are expected to issue if something in a course might cause a strong emotional response. For example, some students have called for warnings that Chinua Achebe’s *Things Fall Apart* describes racial violence and that F. Scott Fitzgerald’s *The Great Gatsby* portrays misogyny and physical abuse, so that students who have been previously victimized by racism or domestic violence can choose to avoid these works, which they believe might “trigger” a recurrence of past trauma. Some recent campus actions border on the surreal. In April, at Brandeis University, the Asian American student association sought to raise awareness of microaggressions against Asians through an installation on the steps of an academic hall. The installation gave examples of microaggressions such as “Aren’t you supposed to be good at math?” and “I’m colorblind! I don’t see race.” But a backlash arose among other Asian American students, who felt that the display itself was a microaggression. The association removed the installation, and its president wrote an e-mail to the entire student body apologizing to anyone who was “triggered or hurt by the content of the microaggressions.”This new climate is slowly being institutionalized, and is affecting what can be said in the classroom, even as a basis for discussion. During the 2014–15 school year, for instance, the deans and department chairs at the 10 University of California system schools were presented by administrators at faculty leader-training sessions with examples of microaggressions. The list of offensive statements included: “America is the land of opportunity” and “I believe the most qualified person should get the job.” The press has typically described these developments as a resurgence of political correctness. That’s partly right, although there are important differences between what’s happening now and what happened in the 1980s and ’90s. That movement[s] sought to restrict speech (specifically hate speech aimed at marginalized groups), but it also challenged the literary, philosophical, and historical canon, seeking to widen it by including more-diverse perspectives. The current movement is largely about emotional well-being. More than the last, it presumes an extraordinary fragility of the collegiate psyche, and therefore elevates the goal of protecting students from psychological harm. The ultimate aim, it seems, is to turn campuses into “safe spaces” where young adults are shielded from words and ideas that make some uncomfortable. And more than the last, this movement seeks to punish anyone who interferes with that aim, even accidentally. You might call this impulse vindictive protectiveness. It is creat[es] a culture in which everyone must think twice before speaking up, lest they face charges of insensitivity, aggression, or worse. There have always been some people who believe they have a right not to be offended. Yet throughout American history—from the Victorian era to the free-speech activism of the 1960s and ’70s—radicals have pushed boundaries and mocked prevailing sensibilities. Sometime in the 1980s, however, college campuses began to focus on preventing offensive speech, especially speech that might be hurtful to women or minority groups. The sentiment underpinning this goal was laudable, but it quickly produced some absurd results. Among the most famous early examples was the so-called water-buffalo incident at the University of Pennsylvania. In 1993, the university charged an Israeli-born student with racial harassment after he yelled “Shut up, you water buffalo!” to a crowd of black sorority women that was making noise at night outside his dorm-room window. Many scholars and pundits at the time could not see how the term water buffalo (a rough translation of a Hebrew insult for a thoughtless or rowdy person) was a racial slur against African Americans, and as a result, the case became international news. Claims of a right not to be offended have continued to arise since then, and universities have continued to privilege them. In a particularly egregious 2008 case, for instance, Indiana University–Purdue University at Indianapolis found a white student guilty of racial harassment for reading a book titled Notre Dame vs. the Klan. The book honored student opposition to the Ku Klux Klan when it marched on Notre Dame in 1924. Nonetheless, the picture of a Klan rally on the book’s cover offended at least one of the student’s co-workers (he was a janitor as well as a student), and that was enough for a guilty finding by the university’s Affirmative Action Office. These examples may seem extreme, but the reasoning behind them has become more commonplace on campus in recent years. Last year, at the University of St. Thomas, in Minnesota, an event called Hump Day, which would have allowed people to pet a camel, was abruptly canceled. Students had created a Facebook group where they protested the event for animal cruelty, for being a waste of money, and for being insensitive to people from the Middle East. The inspiration for the camel had almost certainly come from a popular TV commercial in which a camel saunters around an office on a Wednesday, celebrating “hump day”; it was devoid of any reference to Middle Eastern peoples. Nevertheless, the group organizing the event announced on its Facebook page that the event would be canceled because the “program [was] dividing people and would make for an uncomfortable and possibly unsafe environment.” Because there is a broad ban in academic circles on “blaming the victim,” it is generally considered unacceptable to question the reasonableness (let alone the sincerity) of someone’s emotional state, particularly if those emotions are linked to one’s group identity. The thin argument “I’m offended” becomes an unbeatable trump card. This leads to what Jonathan Rauch, a contributing editor at this magazine, calls the “offendedness sweepstakes,” in which opposing parties use claims of offense as cudgels. In the process, the bar for what we consider unacceptable speech is lowered further and further. Since 2013, new pressure from the federal government has reinforced this trend. Federal antidiscrimination statutes regulate on-campus harassment and unequal treatment based on sex, race, religion, and national origin. Until recently, the Department of Education’s Office for Civil Rights acknowledged that speech must be “objectively offensive” before it could be deemed actionable as sexual harassment—it would have to pass the “reasonable person” test. To be prohibited, the office wrote in 2003, allegedly harassing speech would have to go “beyond the mere expression of views, words, symbols or thoughts that some person finds offensive.” But in 2013, the Departments of Justice and Education greatly broadened the definition of sexual harassment to include verbal conduct that is simply “unwelcome.” Out of fear of federal investigations, universities are now applying that standard—defining unwelcome speech as harassment—not just to sex, but to race, religion, and veteran status as well. Everyone is supposed to rely upon his or her own subjective feelings to decide whether a comment by a professor or a fellow student is unwelcome, and therefore grounds for a harassment claim. Emotional reasoning is now accepted as evidence. If our universities are teaching students that their emotions can be used effectively as weapons—or at least as evidence in administrative proceedings—then they are teaching students to nurture a kind of hypersensitivity that will lead them into countless drawn-out conflicts in college and beyond. Schools may be training students in thinking styles that will damage their careers and friendships, along with their mental health.

#### Speech restrictions fuel a culture of panic and fear which chills comedians from performing at colleges.

Butler ’15, [M.S. Butler(), 9-28-2015, 15, https://stateimpact.npr.org/florida/tag/higher-education/, 2-17-2017. SK]

Know the joke about how many college students it takes to screw in a light bulb? Probably not, since it’s not a real joke. Nor is **the decision some comedians are making to avoid college campuses where they say students today are too easily offended**. Back in June, comedian **Jerry Seinfeld** told ESPN radio that he **was joining** Chris Rock, Larry the Cable Guy and **others who won’t play college campuses because they’ve become too politically correct**. “I hear that all the time,” Seinfeld told ESPN Radio. “I don’t play colleges, but I hear a lot of people tell me don’t go near colleges — they’re so PC.” Seinfeld shared his own daughter’s take on the environment on college campuses. “They just want to use these words —‘That’s racist. That’s sexist. That’s prejudiced,’” he told radio host Colin Cowherd. Comedians who won’t perform at college campuses is not one of the most burning issues facing education today. But since universities are seen as places where students are challenged with new ideas, and new ways of thinking, this political correctness may be threatening other kinds of free speech. The Foundation of Individual Rights in Education (FIRE), a non-profit, non-partisan group created to defend civil liberties at colleges, created a free-speech rating system of more than 400 schools nationwide. Will Creeley, the group’s vice president of legal and public advocacy, said the system ranks campuses on a traffic signal model. A green light means the institution has open and free speech, a yellow light means not enough or vague rules about speech and a red light means a school has at least one policy that they say is restrictive. Here’s a list of the scores. Creeley uses the University of Central Florida in Orlando as an example. In Spring 2013, **professor Hyung-il Jung was suspended for three weeks after making an in-class joke.** “He was leading a review session for his 25 students in an accounting course, and he noticed that their attention was starting to flag. And he said to the class, ‘This next question is very difficult. It looks like you guys are being slowly suffocated by these questions. Am I on a killing spree, or what?’ ” Twenty-four students knew Jung was joking, but one filed a complaint. UCF ordered Jung to undergo a mental health evaluation before he would be allowed to return to teaching. After a petition from almost 500 students and the threat of a lawsuit from FIRE, the professor was reinstated. Jung declined an interview request, but said in an email, “I have decided to remain silent, making no comments for many different reasons, at least for a while.” Creeley said first amendment attorneys call this the ‘chilling effect’ on free speech. “Once you’ve been investigated, threatened with discipline, put through the ringer for telling a joke, you very rationally might decide that you better keep your mouth shut next time,” he said. David Thompson is a college freshman and a member of the Student Government at the University of South Florida St. Petersburg. He said **complaints from students do get a lot of attention**. “I think just in the way media works, that when somebody makes a big protest about something that that’s what’s going to be heard,” Thompson said. “I think it’s really only offensive if somebody’s telling you that this is what you need to believe, or that this is an accurate depiction of you.” In recent years, media have covered student protests of commencement speakers such as former Secretary of State Condoleezza Rice, comedian Bill Maher, and others refusing assigned reading because of objectionable content like a depiction of rape. “Increasingly, FIRE is worried that students are demanding a kind of intellectual comfort rather than the thrill and productive challenge of going outside of their own known experience,” Creeley said. “We have a saying here at FIRE. If you go to school for four years and aren’t once offended you should ask for your money back.” William Felice, associate dean and a professor at Eckerd College in St. Petersburg, said colleges and universities do have a responsibility to protect students, to a point. “We are past book burning when students come here, from day one we say to them you’re going to be exposed to different material and you may not like it,” Felice said. “It may be uncomfortable, but that’s part of what the education process is about.” He said there’s reason behind pushing students. “**Our goal is to teach students to critically think and become good citizens as a result, able to contribute to public policy, able to sort out the difference between demagoguery and punditry and reasoned argument,**” Felice said. “That’s really what we’re about.” SK

#### All humor is critical and transgresses discipline, especially at college campus’ – every instance of humor is necessary because it provides a sense of proportion and nobody can predict which instance will serve as the catalyst for change.

Svrulga ’16, [Susan Svrugla(Susan Svrluga is a reporter for the Washington Post, covering higher education for the Grade Point blog.), John Cleese will avoid colleges: He says they’re too politically correct for comedy, 2-2-2016, 16, https://www.washingtonpost.com/news/grade-point/wp/2016/02/02/john-cleese-will-avoid-colleges-he-says-theyre-too-politically-correct-for-comedy/?utm\_term=.48472ae3ea3d, 2-17-2017. SK]

“And that’s why I’ve been warned recently **don’t go to most university campuses** because the political correctness has been taken from being a good idea, which is let’s not be mean in particular to people who are not able to look after themselves very well — that’s a good idea — to the point where any kind of criticism of any individual or group could be labeled cruel. “And **the whole point about humor, the whole point about comedy, and believe you me I thought about this, is that all comedy is critical**. … **All humor is critical. If you** start to say, ‘We mustn’t; we mustn’t criticize or offend them,’ then humor is gone**.** **With humor goes a sense of proportion**. **And then** as far as I’m concerned, **you’re living in ‘1984**.’” In an interview in Vulture in 2014, **Chris Rock said he had stopped playing colleges** because “they’re way too conservative. “… Not in their political views — not like they’re voting Republican — but in their social views and their willingness not to offend anybody,” he explained. “**Kids raised on a culture of ‘We’re not going to keep score in the game because we don’t want anybody to lose.’ Or just ignoring race to a fault**.

#### Humor gets people to think critically for themselves and challenge dominant structures by overcoming fear of discipline – all humor engages students instead of letting the class be the dominant force.

Cannon, Julie. Dela rosa, adrien. Texas Tech University. Utopian Feminism and Feminist Pedagogy: Charlotte Perkins Gilman and the Everyday Classroom. <http://www.lsus.edu/Documents/Offices%20and%20Services/CommunityOutreach/JournalOfIdeology/Utopian%20Feminist%20Pedagogy_%20Charlotte%20Perkins%20Gilman%20and%20Everyday%20Sociology.pdf>. 10-5-2012. JH. 2-17-2017.

The principle components of utopian fiction and feminist pedagogy are outlined, specifically examining Charlotte Perkins Gilman’s three utopian writings, Moving the Mountain, Herland, and With Her in Ourland. Sociological themes from Gilman’s theoretical writings are also discussed, along with her utopian writings, to bring her theories and concepts to life. After outlining the theories and concepts in Gilman’s utopian writings, the core themes in feminist teaching are also discussed, along with resistance to such strategies. Individuals, both within the discipline of sociology and outside, are easily able to grasp Gilman’s ideas and thoughts through her use of satire on the unnecessary evils of the current social relations. The fictional accounts that Gilman uses in her utopian writings also present instructors with alternative styles through which to present sociological concepts and ideas to their students. Gilman’s style of writing allows for students to be able to contribute more to the classroom experience and become participants in the educational enterprise. This is due to the fact that Gilman calls the reader to think critically about existing social relations in order to fully understand the satire. The authors argue that this type of theorizing is beneficial to both the discipline of sociology and to students…While many have recognized the value of Gilman’s works (Allen 1988; Deegan 1991; Hill 1980; Lane 1990; Meyering 1989; Rossi 1973; Scharnhorst 1985 and others), sociology has been slow in claiming this early founder (Cannon 1997; Deegan 1991; Lengermann & Niebrugge-Brantley 1998). Although there have been efforts to bring her work back into sociology and sociological history, very few classical sociological theory textbooks recognize her contributions (Lengermann & Niebrugge-Brantley 1998; Ritzer 2000). While her theoretical constructs clearly warrant her inclusion, it may be helpful to consider the ways in which her works can be utilized to teach sociological and feminist theories to our students. More specifically, Gilman’s utopian fiction stands as a practical articulation of her social thought—ideas that students easily grasp through Gilman’s satire on the unnecessary evils of the current social relations. In addition to providing students with easy to grasp social theories, Gilman also presents instructors with alternative styles in which to present sociological concepts and ideas. Currently, what takes place in the classroom closely resembles what many of the “masters” (read men) of sociological theory present[ing0= in their original articulations. While the information is indeed useful, and moreover insightful, the assumption remains that those who read have nothing to do with the arguments made therein. In Gilman’s works the reader must become a part of the story—indeed, she relies on contemporary understandings of capitalism, the “American dream,” gender relations within and outside of the home, education, religion, and much more. She calls the reader to think critically about existing social relations and encourages us to move “outside of the box.” Yet this writing style also has the potential to transform teaching practices. Rather than assuming that our students have nothing to contribute to the classroom experience, Gilman demonstrates how our students can become participants in the educational enterprise… Interestingly, we believe that Gilman utilizes the utopian genre to make her progressive social theories more palatable to the general society. Many of the theoretical constructs explicated above were present in her fictional writings as well. However, her weapons of change were humor and sarcasm--Gilman understood the power of the fantastic in presenting her seemingly more outrageous ideas. She encourages “active critical participation on the part of the reader” (Ferns 1998:31), challeng[e]ing us to move beyond our fears of social change and to imagine the possibilities foretold in her more scholarly works. To move her plan forward, she creates societies in which any of these ideas are possible—societies that force us to recognize the immediacy and seriousness of her goal, societies that resemble our own and could be foretelling of a more progressive and indeed, positive future.

### ADV – Anti-State Speech

**Seditious and anarchist speech is constitutionally protected -**

Pippala16 Bhanodai Pippala, 09-08-2016, ["Seditious Speech And The First Amendment", https://www.theodysseyonline.com/seditious-speech] MJC 2-15-2017

The standard to address seditious speech wasn't fully challenged until **[**is] the 1969 case of [Brandenburg v. Ohio.](http://www.casebriefs.com/blog/law/constitutional-law/constitutional-law-keyed-to-stone/freedom-of-expression/brandenburg-v-ohio-2/) Clarence Brandenburg was a local leader of the KKK and gave a speech which advocated for violence against minorities and Jews. Brandenburg's speech violated [Ohio's syndicalism law](http://law.jrank.org/pages/23050/Brandenburg-v-Ohio-Ohio-Criminal-Syndicalism-Law.html), and he was promptly arrested. The Supreme Court overturned Brandenburg's arrest and created a much greater threshold to restrict seditious speech by enacting the [imminent lawless action test](http://www.firstamendmentcenter.org/what-constitutes-imminent-lawless-action).The seditious speech could be curtailed only if it intended for an imminent criminal action to occur rather than just expressing "bad tendency."

#### Universities restrict anarchist speech in the squo – California proves

Davidson, Alexander. Degree Bachelor of Science in Journalism. California Polytechnic State University. June 2016. <http://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?article=1119&context=joursp>. “The Freedom of Speech in Public Forums on College Campuses: A Single-Site Case Study on Pushing the Boundaries of the Freedom of Speech”. 2-15-2017. JH.

Interviewer: Alexander Davidson Respondent: Professor in the Journalism Department, College of Liberal Arts, at California Polytechnic State University (Bill Loving) Date of Interview: 5/20/2016 AD: What kind of speech should ultimately be protected at California Polytechnic State University? BL: Well, it would be, of course, political speech. Alexander Meiklejohn proposed that speech that bears on the process of democracy should get the ultimate protection, moreso than speech that is not involved in the process of governing a country. But at the same time, pretty much all speech should be protected at California Polytechnic State University. AD: Would you include commercial speech? BL: Commercial speech does have First Amendment protection, just not as strong as noncommercial speech. Now because the university is a state institution, there may be limits as to what commercial speech would be allowed, if for no other reason than the apparent endorsement of the state for a particular product or service, but even with that, as long as it’s speech, it should be protected. The only speech that wouldn’t be protected are those categories of speech outside the protection of the First Amendment: Criminal speech, obscenity, incitement; those things have never been protected by the First Amendment so it seems to be working. AD: Should derogatory speech that’s considered something like hate speech be protected? BL: Are you talking about going up to someone and saying, ‘I’m attacking you and I’m using words’ or are you talking about using words that some people find to be degrading, harmful and insensitive? AD: I’d say both. BL: Well, incitement isn’t protected by the First Amendment so if someone wants to go pick a fight and incite lawless action, then they have to deal with incitement laws. Here’s the way I explain it to students. I grew up in the nascent period of the Civil Rights 77 movement. The same First Amendment that protected Dr. King is the same First Amendment that protected George Wallace and Lester Maddox. It protected Medgar Evers and it also protected the Grand Kleagle of the Ku Klux Klan. The First Amendment exists for unpopular speech, speech that it unordinary, speech that a lot of people think can cause great harm or even the destruction of society as we know it. But when we can protect speech on the fringes, then we can know that all other speech coming into the mainstream will be protected. So as an Asian American, I have had hateful words directed at me, I’ve heard hateful words directed toward my mother and to my brother. They weren’t always pleasant, but if we start to gag people, where do you stop? Right now there are folks in the country who say persons advocating for trans people to use their gender-identitied bathrooms is an attack on everybody and that it is “hate speech” to suggest that a “man” can go into a woman’s bathroom. The same thing with respect to same-gender marriage – some people say it’s “hate speech” because it’s attack the institution of marriage that they grew up with and they know. They’ll say, ‘it’s attacking my religion and my culture.’ So who’s hateful speech are you going to oppress? AD: Wasn’t that kind of the case in RAV where Scalia kind of says that you can’t stop one type of symbolic burning but not all others? BL: It wasn’t Scalia that said that, it was the concurrences. Scalia was only talking about elevating fighting words and giving them First Amendment protection, but in that case, it’s the same thing, yes. Who do you punish? In that case, it’s which is the speech that’s okay? If you say “oriental,” is that bad? If you say, “Asian,” is that better? Words change. I remember as a young person people saying, “The American negro should enjoy the same rights as everybody else.” And then Negro became a term that was pejorative. Black, African American. Things change as society changes so what are you going to do? AD: I’m sure you’re familiar with the Free Speech Wall put up by the Republicans on campus and how there was derogatory comments on the Muslim faith and also on gender identity. Should something like that be protected speech? BL: Yes. And it should be protected just as the people who responded to that speech with their own statements should be protected. Justice Louis Brandeis said that the fitting remedy for evil councils is good councils. That is to say if there is speech that you find abhorrent, then speak out about it. The First Amendment guarantees everybody’s right to express an opinion so if someone is expressing an opinion that you think is hateful, then you have the same right to go out and say, ‘I think this is hateful.’ You have the same right to make the argument as to why that speech isn’t true. And if your argument is sound, then you may win somebody over. If your argument is not sound, they might not be won over or they may be so intractable that no matter what you would say, they would never change. But it’s not just a debate in which the two speakers are engaged, it’s a debate that everybody participates. Everybody gets to see what you have to say compared to the other person and they can choose because we have a marketplace of ideas. The marketplace says that the way to find the truth is to see all versions of the truth and that seeing falsehoods helps us understand what is true. So, I tell a story in class about the story of Pocatello, Idaho. It had a public access channel and the public access channel 78 would allow anybody to come in and create a 30-minute cable show. And so there were shows on knitting, macramé and home canning – anything you wanted to talk about. A group of white separatists came down from the northern part of the state and they said, ‘oh, we’d like to have our own 30-minute show,’ and then they waited to see what would happen. A lot of people said, ‘you can’t let the white separatists get on the cable channel, they’ll say hateful things, they’ll be mean, they’ll be terrible, they’ll incite violence; don’t let them on.’ But the question was: How do you discriminate against that point of view when you haven’t discriminated against any point of view in the past? So the city fathers and mothers got together and the white separatists were expecting that they would be denied, which would make them First Amendment martyrs and demonstrate how the government really is against their point of view or their particular race. But that didn’t happen. Instead, the city said, ‘you may have your 30-minute cable program and we’re going to let anybody who wants to talk about what you have to say in your cable program have 30-minute programs before yours comes on and have 30-minute programs after yours comes on and great, everybody gets a say.’ That wasn’t what the white separatists were looking for. They were looking for controversy. They were looking for a way to say, ‘we’re being persecuted.’ So the day that they were supposed to show up and take the 30-minute program, nobody appeared because they didn’t get what they wanted. They wanted a symbolic victory over the forces arrayed against white people. Well, that was the best way to deal with that. If someone has a terrible idea, then counter that with a better idea or counter it with speech showing that it’s a terrible idea. AD: It makes sense. When I’ve looked at my research, that’s pretty much what I’ve found. A lot of the time when you have these terrible things that happen across campuses, you more times than not have people who stand up. You have one person doing something terrible and then you have a hundred people who gather the next day and say, ‘we’re not like that.’ But going off the derogatory speech, with the Crops house incident that happened, one thing they did is they hung a noose that was involved with their display, and I know that with cross burning, a part of the reason it can be banned is because of the historical context as far as being used to intimidate. Is something like the noose at the Crops house unprotected because there seems to be a historical context of intimidation? BL: Well, understand that the cross burning laws, the one that made it to the Supreme Court, Virginia v. Black, did not ban cross burning. It made putting up a cross on property where the public could see it a crime. It was the crime of intimidation because in the deep south, the Virginia Court is part of that, burning crosses were used by the KKK as a symbol of its power and a warning to people that if there was a burning cross, somebody was going to die. Under that special circumstance, the burning cross could be viewed as an act of intimidation. It didn’t say you couldn’t have a burning cross, it just said that if you burn a cross you are engaged in the criminal act of intimidating people. In California, we don’t have that history. In California, well, and in the west, in the west, yes, there was racism, a good deal of it directed at Asians, but we didn’t have the Klan as active and as violent as we had in the south. So it doesn’t mean the same thing. In the west, a noose means lynching somebody and people who got lynched weren’t always black or Hispanic. A lot of times it was the mob deciding that it would take justice into its own 79 hands because they either didn’t trust the system of they thought the system was taking too long. So the noose in and of itself isn’t that. You could make an argument that the noose represents suicide and it reminds people of loved ones who have killed themselves and therefore it’s hateful in that respect. So it doesn’t have the same history and so the effect isn’t as deeply felt. If they had a burning cross at the Crops house, yes it would be something that was viewed as hateful, but California didn’t have the lynchings, the beatings and the shootings that the south had so while it’s a symbol that’s an anathema to people, it’s not the symbol that it evokes the deep down primal fear that a burning cross in the south would. Now, you’ll notice that following the Crops house incident, a lot of people spoke up and they said, ‘we think this is not a good idea, we think, in fact, that this is hateful speech,’ and that’s exactly what the First Amendment exists for. Someone can say something and you can agree or disagree and your expression of agreement or disagreement is defining who you are and also helping to further a discussion with the hopes of winning people over to your side or at least getting people to consider things that they might not consider. AD: So how far can speech, I know that you’ve talked about the certain categories of speech that isn’t provided the protection given by the First Amendment, but how far can speech be pushed before it is considered unprotected? BL: Well, how far is the limit of a statute, the judgment of the judge, that of the jury and then the appellate courts and we’ve been really sensitive at different times in our history. We were afraid of anarchists and so we made speech about anarchy a crime. We were afraid of communists so we made speech or action about communism a crime. We were afraid of fascists. We get scared of a lot of things and then we criminalize them and then decades later we realize that we went overboard. Every so often I think we’ve progressed and we’ve gotten better and then something comes up and we’re back to the same old caveman fear-reaction and rather than figure out what’s going on we will just make it a crime and put those people away where they can’t make us upset. So, how far can speech go? It depends on the circumstances, it depends on how society has defined crimes and it depends upon the good sense of people. Good sense of people, very often, isn’t good.

#### Colleges restrict any anti-state speech, even anti-colonialist speech – it impacts back to the framework and has a material impact of police crackdowns and firing of minority professors.

Khan ’15, [Tariq. Professor at NYU. 10-28-15. MASKING OPPRESSION AS “FREE SPEECH”: AN ANARCHIST TAKE. Anarchist Agency. <http://www.anarchistagency.com/commentary/masking-oppression-as-free-speech-an-anarchist-take/> JH. 2-17-2017.]

Yet, while **students who protest imperialist discourse are characterized as a threat to free speech**, the actual threat to free speech in academia goes unchallenged by leading media outlets.[2] October 8, 2015, at the Community College of Philadelphia, English **professor Divya Nair** spoke at a rally organized by students in protest of police recruiters on campus. The students and Professor Nair **drew connections between colonialism and modern US policing**; particularly the police tactic of recruiting poor people of color to act as the capitalist state’s foot-soldiers to control poor Black and Brown communities. **Later** that day, **school authorities suspended Professor Nair** without pay, and they have since suspended three student group members who are facing disciplinary hearings. In the past few years **there has been a noticeable campus crackdown on anti-colonialist expression**. Last year the American Indian Studies Program at the University of Illinois, Urbana-Champaign hired Professor Steven Salaita, known for his comparative studies of US settler colonialism in the Americas and Israeli settler colonialism in Palestine. Under pressure from wealthy donors, Israel lobby groups, and establishment politicians, the Chancellor and the Board of Trustees stepped in – against the wishes of the American Indian Studies Program – and “unhired” Salaita, citing the supposedly “uncivil” tweets he posted criticizing Israel’s indiscriminate killing of civilians – including over 500 children – in Gaza last year. Several law-makers, Israel lobbyists, and campus authorities have likewise been working to silence the growing BDS (Boycott, Divestment, and Sanctions) movement against Israeli apartheid. Anti-colonialist students have also faced silencing and punishment. For example, earlier this semester at Cal State Sacramento, sophomore Chiitaanibah Johnson (Navajo/Maidu) was belittled and told by her professor that she was expelled from his US history course after she quite correctly challenged his assertion that the United States did not carry out genocidal anti-Indian policies. All of these cases and many other similar ones resonate with my own experience. Ten years ago, when I was an undergraduate at George Mason University, I was violently attacked by vigilantes and police for protesting military recruiters on campus. Right-wing students called me a “pussy” and a “faggot,” and ripped the anti-militarist sign off of my chest. Vigilantes held me down to “assist” the officers in brutalizing and handcuffing me. When the police saw my foreign name, they decided I was a terrorist. One officer blamed me for 9-11. Another officer yelled at me, “You people are the most violent people in the world.” An officer threatened to hang me upside-down from the ceiling in my jail cell for “running my mouth.” Even though I was a student at the university, **the police charged me with trespassing and disorderly conduct.** At first, University officials defended the police’s actions by saying I “was considered to be distributing literature.” In spite of the fact that the most egregious violations of free speech and academic freedom are committed in service to right-wing and establishment interests higher on the social hierarchy than students and professors, there is a highly problematic narrative proliferating in the United States; that today’s college students are “oversensitive” or “too politically correct” and that this supposed oversensitivity is leading to a crackdown on free speech and academic freedom. Both conservatives and liberals have perpetuated this false narrative. Conservative columnist George Will complained that the right of thin-skinned liberals “to never be annoyed” has become “a new campus entitlement.” In a popular Vox article titled “I’m a Liberal Professor, and my Liberal Students Terrify Me,” a college professor using the pseudonym Edward Schlosser complained about a climate of fear in academia caused by an overemphasis on the “safety and comfort” of students from historically marginalized groups.SK

#### Anarchist speech is uniquely good – we do not defend the rhetoric of rights or legitimize the state but rather are the principle and rhetoric that allow us to challenge the discipline and control of the state. Also, free speech gives individuals the common language to build coalitions for better solutions to problems.

CrimeThink ’17, [Crimethinc. Ex-Workers Collective(), This Is Not a Dialogue, CrimethInc., xx-xx-xxxx, xx, https://crimethinc.com/2017/01/26/this-is-not-a-dialogue-not-just-free-speech-but-freedom-itself, 2-17-2017. SK]

There appears to be a broad consensus in the US political spectrum in favor of the right to free speech. While opponents may quibble over the limits, such as what constitutes obscenity, pundits from left to right agree that free speech is essential to American democracy. Appeals to this tradition of unrestricted expression confer legitimacy on groups with views outside the mainstream, and both fascists and radicals capitalize on this. Lawyers often defend anarchist activity by referencing the First Amendment’s provision preventing legislation restricting the press or peaceable assembly. We can find allies who will support us in free speech cases who would never support us out of a shared vision of taking direct action to create a world free of hierarchy. **The rhetoric of free speech and First Amendment rights give us a common language with which to broaden our range of support and make our resistance more comprehensible to potential allies, with whom we may build deeper connections over time**. But at what cost? This discourse of rights seems to imply that the state is necessary to protect us against itself, as if it is a sort of Jekyll and Hyde split personality that simultaneously attacks us with laws and police and prosecutors while defending us with laws and attorneys and judges. If we accept this metaphor, it should not be surprising to find that the more we attempt to strengthen the arm that defends us, the stronger the arm that attacks us will become. **Once freedom is defined as an assortment of rights granted by the state, it is easy to lose sight of the actual freedom** those rights are meant to protect and focus instead on the rights themselves—implicitly accepting the legitimacy of the state. Thus, when we build visibility and support by using the rhetoric of rights, we undercut the possibility that we will be able to stand up to the state itself. We also open the door for the state to impose others’ “rights” upon us. The Civil Liberties Defense In the US, many take it for granted that it is easier for the state to silence and isolate radicals in countries in which free speech is not legally protected. If this is true, who wouldn’t want to strengthen legal protections on free speech? In fact, in nations in which free speech is not legally protected, radicals are not always more isolated—on the contrary, the average person is sometimes more sympathetic to those in conflict with the state, as it is more difficult for the state to legitimize itself as the defender of liberty. Laws do not tie the hands of the state nearly so much as public opposition can; given the choice between legal rights and popular support, we are much better off with the latter. One dictionary defines civil liberty as “the state of being subject only to laws established for the good of the community.” This sounds ideal to those who believe that laws enforced by hierarchical power can serve the “good of the community”—but who defines “the community” and what is good for it, if not those in power? In practice, the discourse of civil liberties enables the state to marginalize its foes: if there is a legitimate channel for every kind of expression, then those who refuse to play by the rules are clearly illegitimate. Thus we may read this definition the other way around: under “civil liberty,” all laws are for the good of the community, and any who challenge them must be against it. Focusing on the right to free speech, we see only two protagonists, the individual and the state. Rather than letting ourselves be drawn into the debate about what the state should allow, anarchists should focus on a third protagonist—the general public. We win or lose our struggle according to how much sovereignty the populace at large is willing to take back from the state, how much intrusion it is willing to put up with. **If we must speak of rights at all, rather than argue that we have the right to free speech let us simply assert that the state has no right to suppress us**. Better yet, let’s develop another language entirely. Free Speech and Democracy… The discourse of free speech in democracy presumes that no significant imbalances of power exist, and that **the primary mechanism of change is rational discussion**. In fact, a capitalist elite controls most resources, and power crystallizes upward along multiple axes of oppression. Against this configuration, it takes a lot more than speech alone to open the possibility of social change. There can be no truly free speech except among equals—among parties who are not just equal before the law, but who have comparable access to resources and equal say in the world they share. Can an employee really be said to be as free to express herself as her boss, if the latter can take away her livelihood? Are two people equally free to express their views when one owns a news network and the other cannot even afford to photocopy fliers? In the US, where donations to political candidates legally constitute speech, the more money you have, the more “free speech” you can exercise. As the slogan goes, freedom isn’t free—and nowhere is that clearer than with speech. Contrary to the propaganda of democracy, ideas alone have no intrinsic force. Our capacity to act on our beliefs, not just to express them, determines how much power we have. In this sense, the “marketplace of ideas” metaphor is strikingly apt: you need capital to participate, and the more you have, the greater your ability to enact the ideas you buy into. Just as the success of a few entrepreneurs and superstars is held up as proof that the free market rewards hard work and ingenuity, the myth of the marketplace of ideas suggests that the capitalist system persists because everyone—billionaire and bellboy alike—agrees it is the best idea. …So Long as You Don’t Do Anything But what if, despite the skewed playing field, someone manages to say something that threatens to destabilize the power structure? If history is any indication, it swiftly turns out that freedom of expression is not such a sacrosanct right after all. In practice, we are permitted free speech only insofar as expressing our views changes nothing. The premise that speech alone cannot be harmful implies that speech is precisely that which is ineffectual: therefore anything effectual is not included among one’s rights. During World War I, the Espionage Act criminalized any attempt to “cause insubordination, disloyalty, mutiny, [or] refusal of duty” or to obstruct recruiting for the armed forces. President Woodrow Wilson urged the bill’s passage because he believed antiwar activity could undermine the US war effort. Alexander Berkman and Emma Goldman were arrested under this law for printing anarchist literature that opposed the war. Likewise, the Anarchist Exclusion Act and the subsequent Immigration Act were used to deport or deny entry to any immigrant “who disbelieves in or who is opposed to all organized government.” Berkman, Goldman, and hundreds of other anarchists were deported under these acts. There are countless other examples showing that when speech can threaten the foundation of state power, even the most democratic government doesn’t hesitate to suppress it. Thus, when the state presents itself as the defender of free speech, we can be sure that this is because our rulers believe that allowing criticism will strengthen their position more than suppressing it could. Liberal philosopher and ACLU member Thomas Emerson saw that freedom of speech “can act as a kind of ‘safety valve’ to let off steam when people might otherwise be bent on revolution.” Therein lies the true purpose of the right to free speech in the US. Not Free Speech, but Freedom Itself Obviously, **anarchists should not organize against free speech**. But the stranglehold of the state on the discourse of free speech seems to set the terms of the debate: either we condone censorship, or we condone state protection of our enemies and their right to organize against us and others. This results in paradoxes, such as radicals being accused of opposing freedom for shutting down a fascist speaker. In contrast to state protection of KKK rallies and the like, there are models of free expression that neither depend upon the enforcement of rights from above nor sanction oppressive behavior. **Anarchists** might **judge speech** not as something fundamentally different from action, but **as a form of action**: when it harms others, when it reinforces hierarchies and injustices, we confront it the same way we would confront any other kind of abuse or oppression. This is simply self-defense. When a xenophobic politician comes to speak at a public university, his honorarium is paid with tax money extorted from workers and given to universities so it will continue to circulate among the rich and powerful. Regardless of right-wing whining about the marginalization of conservative opinions, the fact that he is powerful enough to secure lucrative speaking engagements indicates that his views are hardly suppressed. As a wealthy white citizen and public figure, his opportunity to express himself can’t reasonably be compared to the opportunity of, say, the immigrants he scapegoats. If their voices and agency actually held equal weight, the politician could say whatever he wanted, but would be powerless to subject others to his schemes. **When we confront** him directly rather than politely disagreeing, **we’re** not attacking his right to express his opinions. We’re **confronting** the **special advantages** he is accorded: **taxpayer money, police protection, an exclusive soapbox**. We’re confronting the power he wields over our lives through institutions built on violence, a power he means to extend by using speaking events to gain wealth, legitimacy, and recruits to his racist endeavors. **Confronting** him **is a political practice that** does not reduce freedom to rights, but **challenges the privileges of the state**—that makes no false dichotomy between speech and action, but judges both by the same standards—**that does not enable the state to frame itself as the defender of free speech, but asserts that we are the only ones who can defend and extend our own freedom**. SK

### ADV – Student Government

#### Political speech is protected in the squo.

Victoria Kwan, 4-3-2014, "Symposium: The First Amendment’s protection of political speech extends to both donations and spending," SCOTUSblog, http://www.scotusblog.com/2014/04/symposium-the-first-amendments-protection-of-political-speech-extends-to-both-donations-and-spending/

As the Court explained in [Roth v. United States](http://www.bloomberglaw.com/public/document/Roth_v_United_States_354_US_476_77_S_Ct_1304_1_L_Ed_2d_1498_1_Med/1), the First Amendment broadly **protects** political expression in order to “assure [the] unfettered interchange of ideas for the bringing about of political and social changes desired by the people.” .  Campaign contributions and expenditures facilitate such interchanges and are thus vital to our democracy. Yet our current restraints unconstitutionally stifle political speech and inhibit the unfettered interchange of ideas.

#### College student government officers are silenced reducing activism.

Benjamin Lockwood, 1-21-2014, "UWM sued over dissolution of student government," Marquette Wire, https://marquettewire.org/3848622/tribune/tribune-news/uwm-sued-over-dissolution-of-student-government/

In a letter written to the president of the former student government, UWM [University of Wisconsin]’s Chancellor Michael R. Lovell mentioned a list of grievances an independent investigation led by members of UW-Whitewater found against the student government. These included ballot issues, conflicts of interest and reliance on old, now-amended, bylaws that were allegedly used to prevent certain students from taking office, among other things. After the student government dissolved, it was replaced by a Board of Trustees, and all students elected in the 2013-14 student elections were permanently barred from taking office. “Based on the numerous issues that directly affected the fairness of these elections and the ability of the students outside of the current governing party to participate, the administration will not recognize the current election results as valid,” Lovell said in the letter. “As you may know, this is an unprecedented decision by the UWM administration, but I believe it is warranted under the circumstances based on the egregious nature of the many procedural flaws in the election process.” Scott disagreed with the findings, however, claiming that the investigation was faulty. “What he is mentioning he draws from the ‘independent’ investigations into the elections by UW-Whitewater,” Scott said in an email. “That report is baseless and without any documentation or fact. We were going to appeal the action by the Chancellor to the Board of Regents, but then the University Student Court decided to extralegally invalidate the elections because of the Chancellor’s action.” The student court issued an “emergency order” after receiving the letter from the chancellor. The named petitioner was Lovell, and the named defendant was the Student Association of UW-Milwaukee. According to the formal complaint by the plaintiffs, “The USC has no authority, express or otherwise, to hear a case brought by the chancellor against the student government.” After the emergency order took effect, the student court issued a new election to take place that would override the previous one. It then made itself the “Interim Administrator” of the Student Association, and created a Board of Trustees to administer as its subordinate, according to the official complaint. Scott and Siddique said in the formal complaint that they consider the board to be an illegal “puppet government” for the university. Since June 1, 2013, the Board of Trustees continued on as the official governing body for the students of UWM.

#### College officials silence student government speech in the status quo. This itself is spurred on by the college *silencing speech* so any form of silencing speech creates cyclical silencing of speech, especially of student government.

Alliance Defending Freedom (ADF) Nov, 11-9-2009, "College launches attack campaign on student body president over pro-life group’s display," ADF, http://www.adflegal.org/detailspages/press-release-details/college-launches-attack-campaign-on-student-body-president-over-pro-life-group-s-display

SACRAMENTO, Calif. — Attorneys with the Alliance Defense Fund Center for Academic Freedom have issued a [cease-and-desist letter](http://www.telladf.org/UserDocs/MaciasLetter.pdf) to Sacramento City College officials after [subjected] the president of the Associated Student Government was subjected to an illegal recall election for refusing to censor a pro-life group on campus. College officials targeted Steve Macias for retaliation after they attempted to censor the speech of an off-campus pro-life group that ASG had already voted to allow to participate in a campus event. Macias refused to censor the pro-life display on the grounds that doing so would violate the group’s First Amendment rights. The officials and ASG retaliated by subjecting him to an illegal recall election.

#### Student government speech is crucial to (a) reduce market-driven control of the public college and (b) maintain balance and introduce student interest into decision making calculi.

Scruggs, 2014, "Student Government Leadership in the 21st century" University of Louisville, http://ir.library.louisville.edu/cgi/viewcontent.cgi?article=1076&amp;context=honors

Now, more than ever, there has been a debate in higher education about the intentions and purposes of higher education itself: the more traditional academia definition or a model that follows a free-market philosophy. Defined by the Cato Institute, market-driven education is determined by how close the institution approximates a free market; it is essentially how well they are accomplishing the task of educating students in a competitive market against their opponents, or other institutions (Kaklauskas et al., 2012). Basically, public universities are slanted more to a business-model, trying to manage a smaller budget and still managing to graduate students and pay salaries. This is not inherently harmful to students, as mentioned earlier in the “rat race” to provide more services and more amenities to students to increase enrollment. The survival mentality is going to take a university faced with this problem in one of two directions, towards a student-centered philosophy or towards a market-driven philosophy that ignores the student. This fundamental issue in higher education has great implication for the work and success of Student Government and its leaders. As Giroux (2008) argues, democracy and the democratic process, known in higher education as shared governance, is crucial and intrinsic to higher education itself and the idea of “higher education as a private consumer good” (Gorman, 2012, p. 73) is toxic because it diminishes the importance of, as mentioned before, perspective-taking to come to one unified decision, decided on by all representative entities of the university. While Giroux (2008) mainly refers to the faculty of a university losing their rights and entitlements, his argument can extend to Student Government and students of a university in general. In the “private consumer model”, universities are more focused on budgets, how to get more funding, and how to exist in the now. This shifts the attention away from what students need, be it more classroom space, more residence halls, more parking or an increase in the services provided to students, to what the university absolutely has to provide students, a college education (Gorman, 2012). This complicates the roles of Student Government leaders, who are encouraged to use perspective-taking and to try to understand what university administrators are going through, making difficult decisions that could affect students negatively. However, the Student Government leaders also have to answer to their constituents and fight for them. The[re is] internal conflict a Student Government leader can feel, fighting between administrations that ignore legitimate student concerns and the student’s opinions themselves, can cause much emotional distress and lack of self-esteem and confidence. With a 50% increase in the college student population from 1970 to 2011, according to Time (2012), the importance of students and issues that relate to college students go up. However, in the market-driven approach, this increase in students lead to not only stagnant services, but a decrease in total services offered. Paired with two, three, and sometimes, four-fold increase in tuition costs plus an average of 13% decrease in state funding between 2006 and 2011, according to Time (2012), students face a less student-friendly and more daunting atmosphere in higher education, one that has implications for retention and the ability to pay off the debt in a stagnant and often under-paying job market (Au, 2012). The looming threat of unsurmountable debt and the quality of experience a student gets for that debt all lead to the college dropout problem. As Hunt and Tierney (2006) explain, there is a shared responsibility for that issue; this shared responsibility involves public investment and the federal and state governments, but also the institutions themselves. It is up to the institution to ensure that they are preparing students not only for a future career, but that higher education is preparing our future civic and social leaders in whatever field they go into (Pompper, 2006). Part of this responsibility, at an institution, falls upon Student Government and the elected representatives of the student body. However, if an institution is not accepting a portion of the responsibility described by Hunt and Tierney (2006), the students suffer and cause stress and frustration in the work of Student Government leaders, who themselves are growing and learning in the role and as a college student.

#### Student government is the breeding ground for tomorrow’s intellectuals

Scruggs, 2014, "Student Government Leadership in the 21st century" University of Louisville, http://ir.library.louisville.edu/cgi/viewcontent.cgi?article=1076&amp;context=honors

Student Governance and Student Government Leadership, while studied to a varying extent, has many implications for higher education that warrant its studying. If shared governance is truly a tenant of higher education, Student Government serves as the student voice in that model and implies a role of students in the decisions made by the university. The legacy of a university is its students and thus, it is important for the university to ensure that legacy is a strong one. As Student Government is the voice of students, universities can rely on Student Government to ensure the student campus-experience is a satisfying and fulfilling one. Finally, if a university’s goal is to nurture and develop[s] future civic leaders and engaged citizens, there is not a better place to do so than through Student Government, teaching and conferring skills and leadership traits that one will need later on in life. In the importance of Student Governance, there is an importance in developing the Student Government leader. Thus is the motivation and inspiration for this study. This study aimed to determine what makes Student Government so important and relevant in higher education and how we could support Student Government leaders to match those reasons. An additional aim was to figure out if there was a noticeable difference between how Student Government leaders work and the support they receive between today and decades earlier. There was no noticeable difference in the term of tenure and how Student Government leaders and the support they received, alternatively finding much universality and commonality between those that served most-recently and those that served in the role less-recently. However, using current literature and qualitative research of former Student Government leaders at State University using a semi-structured interview, the researcher was able to determine Student Government’s importance and relevance to institutions of higher education and higher education itself. The results of accomplishments of Student Government leaders impact universities and higher education and are accomplished through three themes: a) Personal Impact or The Importance of SGA and Student Development, b) Relationships and Working with Others or The Importance of Advisors [and Administrators], and c) Institutional Culture or Importance of the Orientation of Institutional Culture. Without Student Government, institutions and higher education would lose a valuable entity that helps prepare our nation’s future civic leaders and engaged citizens. Thus, it is important to ensure the success of Student Government and consequently, the success of Student Government leaders. By following the proposed list of learning and development objectives, Student Government Advisors and Student Government itself has a roadmap to ensuring the success of its leaders, in turn setting up the success of the institution and higher education itself.

#### Students speech is a force of *lasting* change in public colleges and universities – history proves.

Institute for Humane Studies (IHS), xx-xx-xxxx, "Free Speech On Campus," https://theihs.org/campus-events/free-speech-on-campus/

Free speech and open inquiry on campus has been a critical part of social change throughout American History. From UC Berkeley students organizing during the civil rights movement [to] and Vietnam War protests to modern day movements around LGBTQ issues, immigration policies, Black Lives Matter, and more, free speech on campus guarantees our ability to stand up for what we believe in. Free speech is vital in a liberal society. Open dialogue allows people to resolve issues peacefully while learning from each other in the process. The ability to freely express our thoughts, beliefs, and desires has been at the root of every lasting social advancement, because persuasion is much more powerful than coercion. Speech—no matter the content or its messenger—should be met with speech. What are the threats to free speech and open inquiry on your campus? [Learn Liberty](http://www.learnliberty.org/), a project of IHS, offers hundreds of videos in which we investigate the principles behind a free society, including academic freedom.

## 1AR Overviews

### 1AR PICs Overview (0:30)

There are conceded implications out of the 1AC that destroy the PIC

#### A. Foucault says that the specificity and thoroughness of regulations intensify the machinations of power which attempt to meticulously control individuals’ lives. Takes out the PIC – specifically banning one type of speech and allowing others amplifies the disciplinary power of the college

#### B. PICs are another form of discipline – they ban a type of speech which regulates speech under the purview of the college

#### C. Crosapply Reisert – the desire for security replicates totalitarian forms of control which leads into aggression – the PIC is an instantiation of one desire for protection which links into the aff

#### D. PIC fuels cyclical desire for safety and their impacts are irresolvable and inevitable – as soon as we ban today’s conception of this unsafe speech, tomorrow another type of speech that causes their impact will emerge – only the aff solves – that’s Reisert

#### E. Speech codes that aren’t in the status quo are struck down so PIC gets rolled back – that’s Bertin

#### F. PIC is subject to lawsuits or people will be too confused to comply with it – that’s Bertin

**G. Campus disciplinary systems lack due process which means regardless of the problem punishments are too severe and are unconstitutional – that’s Tolhurst**

### 1AR Case Overview (Long)

#### Extend Giroux – disciplinary apparatus’ that use punishment as the tool to enforce norms (a) continuously create impacts such as militarism, alienation, and material violence against students which outweighs on specificity and cyclicality and (b) is a bad way of setting norms as it imposes them without student perspectives.

#### Extend the criminalization advantage –

#### First Tolhurst - speech codes grant cyclical power to college bureaucracies which extends their arm over students even further and cuts off student potential this outweighs – (a) strength of link - it reinforces a corrupt disciplinary system (b) long term - students cannot succeed in the future

#### Second Gabbay ’17 – one way campus’ restrict speech is Bias Response Teams which perforates impacting over 3 million students and professors everywhere - when speech is subjectively reported it is used as an excuse for campus’ to criminalize youth by reporting them – outweighs (a) scope – impacts professors who disseminate knowledge which cuts off the potential for research such as the 1NC (b) magnitude – punishment doesn’t fit the crime

#### Third Giroux ’15 – this discipline system of reporting students to cops is *real* and has tangible impacts – outweighs (a) scope – affects minority students by shoving them down the ladder (b) SOL - school to prison pipeline means students are materially disciplined (b) reversibility – prison means their voices are delegitimized and they can’t criticize the system

#### Fourth extend Glum ’17 – the brink is now – Berkeley is also the focus of the country in terms of free speech conflict which means its likely that other colleges terminate in this impact – its try or die for the aff.

#### Extend the revolutionary speech advantage –

#### First Pippila ’16 – rev speech constitutionally protected

#### Extend Davidson and Khan ’15 – colleges restrict rev speech – outweighs (a) material impacts – fires professors which outweighs on scholarship (b) SOL – the advantage is NOT that people *will* speak out but that colleges shutting down this speech is a form of maintaining the disciplinary structures

#### Extend CrimeThink ’17 – The rhetoric of free speech justified by the aff (a) irrespective of whether individuals get speech provides a statis point for further breaking down of totalitarian structures (b) legitimizes individual rights over collective rights

### 1AR Case Overview (Short)

#### Extend Giroux – disciplinary apparatus’ that use punishment as the tool to enforce norms (a) continuously create impacts such as militarism, alienation, and material violence against students which outweighs on specificity and cyclicality and (b) is a bad way of setting norms as it imposes them without student perspectives.

#### Extend the criminalization advantage – the brink is now– that’s Glum ’17 – means its try or die for the aff. Tolhurst explains that speech codes give cyclical power to college bureaucracy which cuts off student potential – Gabbay 17 provides an example with BRT which perforates and impacts over 3 million students and professors everywhere and proves colleges use any speech code violation as an excuse to criminalize youth – Giroux 15 proves the discipline system of reporting students to cops is real and has tangible impacts that impacts minorities the most and fuels the school to prison pipeline. Outweighs - (a) SOL – reinforces a corrupt disciplinary system (b) long term – students can’t succeed in the future (c) scope – impacts professors who disseminate knowledge and minority students (d) reversibility – prison destroys livelihoods.

#### Extend the revolutionary speech advantage – rev speech is protected – that’s Pippila 16 – colleges restrict rev speech now – that’s Davidson and Khan ’15. Extend CrimeThink ’17 – the rhetoric of FS irrespective of whether individuals speak provides a stasis point for breaking down totalitarian structures and legitimizes individual rights over collective rights. Outweighs (a) material impacts – fires professors and proliferates crackdowns on students (b) long term – if professors can’t speak their anti-state knowledge won’t be realized (c) SOL – the adv is not that people *will* speak but that colleges shutting down speech is a form of maintaining disciplinary structures.

### 1AR Framework Overview (Long)

### 1AR Framework Overview (Short)

### 1AR Solvency Overview

### 1AR Criminalization Overview

### 1AR Anarchism Overview

## 1AR Expansions

### XP – Cal

#### **Student Government Leaders key to reforming administrators**

Boaz Kantor, 11-26-2012, "College Administrators Remove Crusading Student Government President," Student Activism, https://studentactivism.net/2012/11/26/cc-ca-sgp/

Administrators at a California community college removed the elected student body president from office earlier this year over charges that students and faculty claim were concocted in an effort to silence his criticisms of college fiscal policy. Officials at Moorpark College say that campus cops caught 33-year-old Jon Foote drunk on campus on one occasion and “inciting [his] fellow students into becoming a mob.” A professor who was doing calculus with Foote immediately prior to the first incident says he was not inebriated, and students present at the second say he was assisting them in dealing with over-aggressive canvassers. In reality, his supporters argue, administrators were gunning for Foote because of the light he shone on excessive campus spending at a time when classes and professors were getting the axe. The administration’s unilateral decision to remove him from office in the middle of his term was preposterous, they say. Another incident that took place around the same time seems to lend credence to their story. Accused of plagiarizing the homework of a study partner, Foote was barred from a physics class he was taking. When he refused to stop attending, administrators sent campus police to remove him from the classroom. The kicker? The plagiarism charges were later dropped. Foote remains on campus, progressing toward his degree. He’s concerned that the disciplinary charges could hurt his chances of transfer to a four-year school, but he has no plans to drop out in the meantime.

### XP – Humor

#### Humor gets people to think critically for themselves – Means I hold internal link /prereq to your method b/c ppl need to think and engage in [x] before they can take [x] action. Also serves as a da to your method b/c

**Cannon**, Julie. Dela rosa, adrien. Texas Tech University. Utopian Feminism and Feminist Pedagogy: Charlotte Perkins Gilman and the Everyday Classroom. <http://www.lsus.edu/Documents/Offices%20and%20Services/CommunityOutreach/JournalOfIdeology/Utopian%20Feminist%20Pedagogy_%20Charlotte%20Perkins%20Gilman%20and%20Everyday%20Sociology.pdf>. 10-5-2012. JH. 2-17-2017.

The principle components of utopian fiction and feminist pedagogy are outlined, specifically examining Charlotte Perkins Gilman’s three utopian writings, Moving the Mountain, Herland, and With Her in Ourland. Sociological themes from Gilman’s theoretical writings are also discussed, along with her utopian writings, to bring her theories and concepts to life. After outlining the theories and concepts in Gilman’s utopian writings, the core themes in feminist teaching are also discussed, along with resistance to such strategies. Individuals, both within the discipline of sociology and outside, are easily able to grasp Gilman’s ideas and thoughts through her use of satire on the unnecessary evils of the current social relations. The fictional accounts that Gilman uses in her utopian writings also present instructors with alternative styles through which to present sociological concepts and ideas to their students. Gilman’s style of writing allows for students to be able to contribute more to the classroom experience and become participants in the educational enterprise. This is due to the fact that Gilman calls the reader to think critically about existing social relations in order to fully understand the satire. The authors argue that this type of theorizing is beneficial to both the discipline of sociology and to students…While many have recognized the value of Gilman’s works (Allen 1988; Deegan 1991; Hill 1980; Lane 1990; Meyering 1989; Rossi 1973; Scharnhorst 1985 and others), sociology has been slow in claiming this early founder (Cannon 1997; Deegan 1991; Lengermann & Niebrugge-Brantley 1998). Although there have been efforts to bring her work back into sociology and sociological history, very few classical sociological theory textbooks recognize her contributions (Lengermann & Niebrugge-Brantley 1998; Ritzer 2000). While her theoretical constructs clearly warrant her inclusion, it may be helpful to consider the ways in which her works can be utilized to teach sociological and feminist theories to our students. More specifically, Gilman’s utopian fiction stands as a practical articulation of her social thought—ideas that students easily grasp through Gilman’s satire on the unnecessary evils of the current social relations. In addition to providing students with easy to grasp social theories, Gilman also presents instructors with alternative styles in which to present sociological concepts and ideas. Currently, what takes place in the classroom closely resembles what many of the “masters” (read men) of sociological theory present[ing0= in their original articulations. While the information is indeed useful, and moreover insightful, the assumption remains that those who read have nothing to do with the arguments made therein. In Gilman’s works the reader must become a part of the story—indeed, she relies on contemporary understandings of capitalism, the “American dream,” gender relations within and outside of the home, education, religion, and much more. She calls the reader to think critically about existing social relations and encourages us to move “outside of the box.” Yet this writing style also has the potential to transform teaching practices. Rather than assuming that our students have nothing to contribute to the classroom experience, Gilman demonstrates how our students can become participants in the educational enterprise… Interestingly, we believe that Gilman utilizes the utopian genre to make her progressive social theories more palatable to the general society. Many of the theoretical constructs explicated above were present in her fictional writings as well. However, her weapons of change were humor and sarcasm--Gilman understood the power of the fantastic in presenting her seemingly more outrageous ideas. She encourages “active critical participation on the part of the reader” (Ferns 1998:31), challeng[e]ing us to move beyond our fears of social change and to imagine the possibilities foretold in her more scholarly works. To move her plan forward, she creates societies in which any of these ideas are possible—societies that force us to recognize the immediacy and seriousness of her goal, societies that resemble our own and could be foretelling of a more progressive and indeed, positive future.

#### Humor has empirical success and is grounded in colonial resistance to white domination. Alos, staire is inherent in any attack against domination of [x].

**Akingbe**, Niyi. Department of English and Literary Studies, Federal University Oye-Ekiti, Nigeria. 2014. Afrika Focus. Speaking denunciation: satire as confrontation language in contemporary Nigerian poetry. JH. 2-17-2017.

Contemporary Nigerian poets have had to contend with the social and political problems besetting Nigeria’s landscape by using satire as a suitable medium, to distil[s] the presentation and portrayal of these social malaises in their linguistic disposition. Arguably, contemporary Nigerian poets, in an attempt to criticize social ills, have unobtrusively evinced a mastery of language patterns that have made their poetry not only inviting but easy to read. This epochal approach in the crafting of poetry has significantly evoked an inimitable sense of humour which endears these poems to the readers. In this regard, the selected poems in this paper are crowded with anecdotes, the effusive use of humour, suspense and curiosity. The over-arching argument of the paper is that satire is grounded in the poetics of contemporary Nigerian poetry in order to criticize[s]\_ certain aspects of the social ills plaguing Nigerian society. The paper will further examine how satire articulates social issues in the works of contemporary Nigerian poets, including Niyi Osundare, Tanure Ojaide, Chinweizu, Femi Fatoba, Odia Ofeimun, Ezenwa Ohaeto, Obiora Udechukwu and Ogaga Ifowodo. Viewed in the light of artistic commitment, the paper will demonstrate how satire accentuates the role of these poets as the synthesizers/conduits of social and cultural concerns of Nigerian society for which they claim to speak. As representatively exemplified in the selected poems, the paper will essentially focus on the mediation of satire for the impassioned criticism of social and moral vices, militating against Nigeria’s socio-political development. Key words: speaking denunciation, contemporary Nigerian poets, satire, mediation, confrontation language Introduction Satire as the act of using humour or exaggeration to speak out against society´s ills, has always been related to literature. It is seen directly in literary works which satirize particular social vices, and is present in all forms of African literature. G.G Darah opines that ...“[T]he satirist is seen as a defender of communal norms and virtues.” This image of the satirist has led some students of the genre to discriminate between satire proper, on the one hand, and pseudosatire or lampoon, on the other. According to this view, a lampoon is a descriptive portrait that relies on invective rather than objective and sophisticated analysis. By contrast, it is argued that satire avoids opprobrious terms and achieves its aim through what the eighteenth century English satirist, John [48] afrika focus — Volume 27, Nr. 1 n. akingbe Dryden, called "The fineness of a stroke that separates the head from the body, and leaves it standing in its place" (Darah, 2005, pp. 22-23). Ngugi wa Thiong’o has also noted that “satire takes for its province a whole society, and for its purpose, criticism,” he stresses further that, “the satirist sets himself certain standards and criticizes society when and where it departs from these norms. He invites us to assume his standards and share the moral indignation which moves him to pour derision and ridicule on society’s failings. He corrects through painful, sometimes malicious, laughter” (wa Thiong’o, 1972, p. 55). Ngugi’s definition has a ringing parallel in Tejumola Olaniyan’s description of satire, “The whole society being its constituency, satire focuses its lens on our failings as a community of people, and magnifies one or several of such our sores for critical inspection, using as its surgical tools such sharp weapons as scorn, derision, ridicule, bitter irony and laughter. But the appropriate set of standards – against which our failings can be determined – to form the base line of satire has often times been the point of departure between satirists and between the satirist and his critic” (Olaniyan, 1988, p. 48). Northrop Frye, in the view of Kimani Njogu, sees satire as “militant irony” that has two fundamental aspects. First, he acknowledges that aggression constitutes satire’s indispensable component, satire is an attack. Second, Frye sees irony as satire’s recurrent weapon (Njogu, 2001, p. 3). He further emphasizes that “Irony is itself a dialogic relation. Satirists, by utilizing irony, call on interpreters to refigure the meaning of the utterance in view of its new context of use. They expect their readers to make the necessary external connections. Satire is dialogic in at least two senses: first, it makes reference to another text that is the subject of critique. Second, it depends on the audience to read it as satire” (Njogu, 2001, p.3). Consequently, Njogu has fittingly established a correspondence between satire and parody, when he claims “satire, like parody, is linked to the carnival sense of the world. In both genres, the world is turned inside out [...] because satire depends principally on the interpreters’ ability to recognize that the oblique surreptitious expression is actually an attack with certain goals, it is an ambivalent genre” (Njogu, 2001, p. 3). Due to the manner of its emergence against the background of European colonialism, satire has always been present to a significant extent in Nigerian literature. Even during the colonial era, leaders of nationalist and independence movements used literature to satirize the injustice of foreign domination and exploitation. Thus, individuals such as Nnamdi Azikiwe, Dennis Osadebey, and others, used literary expressions couched in satire to advocate essentially political ideas. Their themes often centred upon the historical greatness of Nigeria and the way in which colonial rule had debilitated it. This paper’s overarching focus is on how satire is used in contemporary Nigerian poetry in order to criticize the prevailing social ills such as corruption, the African dependency syndrome, deception of hapless parishioners by the clergy and the influence of the military on Nigeria’s politics. The paper is grounded in the manipulation of the interstice between art/tradition and social engagement by contemporary Nigerian poets. This social criticism is taking place by borrowing artistic elements from traditional African cul- afrika focus — 2014-06 [49] Speaking denunciation: satire as confrontation language in contemporary Nigerian poetry ture, such as proverbs, orature, aphorism and anecdote. The paper will thus examine how the selected poets in this paper, in an attempt to criticize social ills through satire, tend to borrow from “the rich African verbal art forms to create new visions of life and new poetic idioms with remarkable originality. These borrowings occur in the form of the imaginative use of African traditional symbols, images, proverbs, myths and other traditional stylistic devices” (Bodunde, 1992, p. 25). Importantly, the paper will evaluatefurther both the formal and content-related elements of satire in the contemporary Nigerian poetry. Contextualising satire in contemporary Nigerian poetry In his examination of the rhetoric of philosophy, Jacques Derrida emphasizes the corresponding significance of writing to speech. In his deconstructive project, the term ‘writing’ is explicated not simply to mean the graphic notation of language, but to include the unpleasant nuances of language that are derived from an intricate historicalintertexual process within which an utterance or a text is situated. Derrida’s idea underscores the prioritization of speech as the bedrock of meaning. The vibrant element in Derrida’s postulation on language is a feature termed ‘differance’. In Derrida´s view (1973), ‘differance’ is perceived not so much as a word or a concept but as “the strategic note or connection... which indicates the closure of ‘presence”. Put another way, “differance” implies the lack of immediate and total accessibility to meaning due to the fact that language is grounded in a canny and interminable interplay of deferral and difference

#### [retag] Humor is accessible to everyone – is a net benefit to my strategy.

**Akingbe**, Niyi. Department of English and Literary Studies, Federal University Oye-Ekiti, Nigeria. 2014. Afrika Focus. Speaking denunciation: satire as confrontation language in contemporary Nigerian poetry. JH. 2-17-2017.

The towering father figure image of Pita Nwana in Igbo literary production has been attested to by his novel, Omenuko (1933). The novel lampoons the dramatic crime committed against the community by the eponymous hero, Omenuko, when he sells sons of his relations and neighbours into slavery and uses the proceeds to strengthen his enterprise. The renowned Igbo literary critic, Ernest Emenyonu, commented on Pita Nwana’s dexterity at exploiting cultural materials in the denunciation of social vices among eastern Nigeria’s Igbo people in a paper entitled “Pita Nwana”. In this paper, he enthuses that, “Pita Nwana” is a writer with many attributes including imaginative use of language, wit, volatile humour, incisive irony and a well-constructed and skillfully handled plot. But his distinction as an author mainly lies in his unique ability at characterization. Thus [52] afrika focus — Volume 27, Nr. 1 n. akingbe in Omenuko he concentrates on the development of the hero, creating thereby one of the most memorable characters a reader can encounter in fiction” (Emenyonu, 1988, p. 10). In Omenuko, Pita Nwana satirizes man’s obsessive craving for material possessions to the detriment of the well-being of his society. Satire in Hausa literary production is shaped by the dynamics of cultural practices in Northern Nigeria, especially the notion of cultural change that results in the significant alteration of fundamental cultural practices relating to marriage, family, individual social status and the colonial administration and its operations in northern Nigeria. Prominent among the Hausa writers whose literary works satirize social upheavals in northern Nigeria are Mu’azu Hadeja,Akolu Aliyu, Sa’adu Zungur, Aliyu Na-Mangi and Aminu Kano (Yahaya, 1988:10-21). Although Aliyu Na-Mangi is a blind poet, his literary prowess is showcased in the prodigious Wakar Infiraji, a narrative in twelve books which discusses Hausa society in terms of social and political transitions. But Sa’ad Zungur is perhaps the most radical of the indigenous Hausa writers: “In his numerous pamphlets and poems, he advocated the revolutionary defeat of the feudalist and reactionary oligarchy represented by the Northern Peoples’ Congress (NPC)” (Darah, 1988, p. 4). Also Aminu Kano’s Wakar Zamani (The Song Of Modernity) (n.d), reflects on the emerging societal developments with its attendant challenges. This is unambiguously portrayed in Wakar Yanci, a stanza in Wakar Zamani, which tasks the young men to live up to their society’s expectations (Yahaya, 1988, p. 89). In the works of these writers, satire constitutes a prominent literary weapon deployed against the excesses of the oligarchy of northern Nigeria, and outright criticism of the oppressive British colonial administration.

#### **Humor key for coalition building and success in movements. Also NB - Prevents the dominant from understanding true intent and allows discussion of otherwise silenced topics.**

Duncan, Pearl. B.Litt (ANU); M.Ed (University of Canberra). The Role of Aboriginal Humour in Cultural Survival and Resistance. University of queensland. 2014. JH. 2-17-2017.

Another of Craven’s anecdotes is about a police sergeant, who when he was young and inexperienced ignored the Indian custom and took photos of the fishing of oolachan, a small, very oily fish, harvested annually. He knew they did not permit pictures but he figured that they could not stop him. “They were very polite but when helping him into his boat one of the young men dropped the camera in the river. All the way down the path he was sure he could hear them laughing” (Craven 1967:64). Although, in recent times, humour occupies a prominent place in [indigenous] Indian life, with one of the most popular topics of Indian humour being the Bureau of Indian Affairs, Deloria contends that “tribes are brought together by sharing the humour of the past. Columbus jokes gain great sympathy among all tribes [which] share a common bond in relation to Columbus jokes. It gives a solid feeling of unity and purpose to the tribes” (1969:147). He comments further regarding the use of humour during meetings and the bonding that occurs 77 through laughing. He says “the more desperate the problem, the more humour is directed to describe it: Satirical remarks often circumscribe problems so that possible solutions are drawn from circumstances that would not make sense if presented to other than a humorous forum” (1969:147). Another enduring subject for Indian humour is General Custer. Deloria maintains that “there are more jokes about him and the Indians than there were participants in the battle. All tribes feel a sense of accomplishment when thinking of Custer. Custer binds together implacable foes because he represented the ugly American of the nineteenth century, ‘who got what was coming to him’” (1969:167). Deloria believes that allv [indigenous] Indians would agree that humour is the cement that holds the [indigenous[Indian movement together. He claims: “When a people can laugh at themselves and laugh at others and hold all aspects of life together without letting anybody drive them to extremes, then it seems that people can survive” (1969:167). An informant of Lincoln expresses the same sentiments to him in a questionnaire: “Not to make much of it, but [humour] is the best and sharpest weapon we’ve always had against the ravages of conquest and assimilation and while it is a tiny projectile point, it’s often sharp, true and finely crafted” (Lincoln 1993:7). In this way, Native American humour can be interpreted as a type of hidden transcript that can be outwardly deferential but subversive in intent (the camera dropped in the water). It can also be seen as participating in the process of communal boundary building (as in the case of the Columbus jokes) and more generally as a site of resistance against the “ugly American.” The written literature of the Native American renaissance began in the late 1960s. They focused on the humour from jokes in bars and at meetings, to those in kitchens, or the quiet wit of old, wise people. Many Indian academics are writing tribal literature in Western forms, adapting origin myths, trickster gods, healing ceremonies and oral histories to novels. The Indian playwright, Hanay Geiogamah has written an number of plays, Body Indian, Foghorn, and 49 78 (published in New Native American Drama (1980)), as well as Coon Cons Coyote. Born in 1945, his work shows an influence of Bertolt Brecht: “Geiogamah’s dramas play out the anger and pain of being Indian for five hundred years under Euroamerican occupation” (Lincoln 1993:125). Body Indian, first performed in 1972, is described as a pan-Indian play, dangerously humorous: it dramatises Indians living off reservations, “on the skids” in Oklahoma, “drinking away meagre lease payments, scamming, laughing, singing and stealing from one another to stay alive” (Lincoln 1993:164). Lincoln goes on to say that the comedy is bleak, “the impoverished situation all too Indian. They stick together to die tribally. Indians have one another for better or worse, old bonds, new burdens, where kin means ideally communal, born poor, dispossessed and desperate” (Lincoln 1993:164). The kind of irony in this play is familiar particularly to those Indians who are derailed by the mainstream and Geiogamah emphasises the “low comic survival of the losers’ humour.” His intent is to draw on “honesty, revelation, cathartic change and social commitment in hoping for a better life” (Lincoln 1993:164).

## 1AR v K (General)

### 1AR – Atterton Overview (0:20)

#### Crossapply Foucault and Atterton – structures such as {insert here} are only terminal forms of power, which are made up of overlapping individual instances of power relations, so the neg fails to address the root cause. The only way to resist power is to combat instances of power specific to localized spaces –that’s Atterton. The 1AC combats the disciplinary *method* within the localized space of the academic institution, which comes prior to the K, as this formulation of power is replicated to create over-arching matrices of power such as {insert here}. This justifies the perm – use the aff to reject {insert here}. The links don’t shield the perm – even if the aff links, it empirically proves that the terminal forms of power the neg critiques are inevitable and only addressing power in localized spaces can address domination.

### 1AR – Top Level Performance

#### Turn the performance of the 1NC – the only way their authors even have room within this academic debate space to voice their opinions is because of the ideology of the aff – crossapply the Khan ’15 and the Giroux evidence – speech codes chill, criminalize, and silence professors and academics from speaking out against problems such as colonialism, so the only world in which their authors have legitimate voices is the world of the aff. Impacts: (a) we preclude the 1NC performance (b) we outweigh on scope – in the long term more criticisms can be formulated if we do the aff (c) justifies the perm – do the aff to give your authors voice within the debate space.

### 1AR - Friedersdorf Permutation

#### The Friedersdorf perm card from the aff is conceded:

#### First – perm do both – claiming incompatibility kills coalition building so use free speech to discuss alternatives and bridge the gap between ideologies.

#### Second – perm and disad to the alt without the aff – they rely on policing the speech of the affirmative, shaping norms without providing a mechanism which reduces to validation from the same authority they criticize and dooms their movement as they alienate allies.

### 1AR – Adv 2 Weighing

#### Advantage 2 outweighs and justifies the permutation – seditious speech is uniquely key to undermine systems of domination.

#### Extend and Cross-apply Khan ’15 – systems of power ban speech which harms them so we take our abilities back from system of power through the aff – controls the sequencing question justifying the sequencing perm

#### Extend and Cross-apply CrimeThink – only free speech sets the foundation to build coalitions and mass movements against systems of domination – two impacts

#### The aff spills over to create deeper connections which give us the foundation for further movements – the aff outweighs and controls the internal link

#### Permutation controls the internal link – a stasis point is needed

#### Systems of power create domination as per the Foucault evidence in the framework – means that only anarchist speech which challenges this power can create the localized space to break down the alt – justifies the perm.

### 1AR - “rights” “free speech”

#### Extend and crossapply CrimeThink ’17 – it demolishes the critique

#### No link the affirmative only defends this concept of “rights” as a statis point to form coalitions with allies who think differently – also justifies the perm.

#### We don’t justify the power of the state – if we have to talk about rights then we talk about the right to remove ourselves from the power of the state

#### Confronting through anarchist speech is something which challenges the power of the state to legitimize itself as “defender of rights” – its literally in the text of the card

#### When we confront the state we confront special privileges – we literally break down the power of hegemonic structures.

### 1AR – Sketchy Atterton

#### Atterton says individual acts of resistance is key. The aff act of critiquing disciplinary method is uniquely key – even if I lose postfiat offense – the very act of rejection as I am an individual is a reason to vote aff because it disrupts discursive spaces.

## 1AR v Theory

### 1AR v Theory (General)

Overview – there are two dropped implications out of the 1AC which both take out theory and link into the judges role in the round as contextualized by the 1AC. This necessitates that **(a)** the 1AC framework comes first as we must evaluate it before deliberating on accepting your starting point of theory and **(b)** the two kritiks function as offense on the prefiat layer demonstrating that the act of reading theory is proactively bad.

#### Extend Giroux ’13 – here’s the first link – theory drives the fear of punishment for insubordination or going outside the boundaries of what is deemed appropriate for kritikal engagement. This is exactly what drives the logic of someone else taking away the rights of students *and* is a form of metaphysical violence against students by cutting off their avenues for participation. Multiple impacts.

A. This validates the destruction of social reciprocity as people become focused on themselves rather than others which link turns your fairness voter as there will never be equal access in society which also outweighs on real world applicability.

B. The fear of punishment facilitates dominant power structures which legitimize themselves by threatening others to force them to conform. This means your voter proliferates fear which justifies dominance.

#### The second link is that theory creates rules or norms and is a disciplinary force which attempts to limit what is possible within the educational space which limits the capacity for critical thinking. Two impacts:

A. Destroys the ability for social activism which outweighs in the long term – even if you claim some impossibility to engage within this round, your norm of setting boundaries destroys critical thinking in the long run, which is key to solving real world issues.

B. Violates the 1AC Framework – you support the normalization of students into violent structures by denying them the way to break out.

#### These arguments also function as permutations on theory – only after destroying the fear of normalization can we evaluate your theoretical considerations.

#### And – these warrants about rules and norms and disciplinary forces being bad are conceded out of the 1AC – no new responses in the 2 NR. Implicit clash is not sufficient – my opponent actually has to answer the most important framing piece of evidence coming out of the 1AC.

#### Also, extend Rozman – all of your internal links to the 1AC from theory are premised on how the eventual impact of your shell will allow for more inclusion, but we are more concerned with the theory behind the practice which legitimizes actions in the first place.

### 1AR v Substantive Engagement

#### A. Your focus on your own ability to substantively engage bites into Giroux who criticizes focus on the self through personal safety which is exactly what you are doing by protecting yourself from losing the round by calling me unfair –this destroys social reciprocity which link turns your fairness voter as there will never be equal access in society which also outweighs on real world applicability – that’s Giroux ’13.

#### B. Your implication for the shell of (drop the argument/drop the debater) is definitely not consistent with your idea of substantive engagement. If I am really denying your ability to substantively engage then you should read whatever better (topical/theoretically viable) version of the aff as a counterplan instead of saying that I should be punished – this sort of punishment is what leads to the disposability of positions and ideas and people which doesn’t advance the end goal of the aff of finding a solution to obsession with discipline.

#### C. 1AC comes prior – the existence of dominant structures and the fear of backlash is what destroys your ability to engage in the first place – you are too afraid of exploring new areas of literature that will give you access to answer the aff because they are considered “too radical” or “not good” – the whole point of the 1AC is that we destroy the binding world view of discipline which means I have long term solvency – if the aff happens then people will be able to engage and think of new ways of engaging creatively in the future.

### 1AR v Competing Interps

Overview: The 1NC’s claim to competing interps is the exact form of obsession with progress that we criticize – competing interps motivates people to craft better interps just to

## 1AR Substance

### 1AR v General turns

1. Aff isn’t punishment – we allow speech, and don’t punish people for speaking out. If speech “silences” other speech, the speech itself is allowed, the college just doesn’t act on it to “punish” anyone.

### 1AR v Israel?

<https://theintercept.com/2016/02/16/greatest-threat-to-free-speech-in-the-west-criminalizing-activism-against-israeli-occupation/>

### 1AR v Safe Space

#### 1. Permutation – use black sound as a method of creating safe spaces. This means you use freedom of speech to create travelling safe spaces using things like music. Students create safe spaces with their voices instead of administrators delineating totalitarian spaces.

Holliday, [Digital Undergrounds(), Making Safe Spaces with Black Sounds (Website), 2-10-2016, 16, http://www.digitalundergrounds.org/new-blog/blacksoundsafespaces, 4-15-2017. SK]

Does **Black Sound Create Safe Spaces**? **Sound as a medium can fill an entire space and, for marginalized groups in communities that cater to the majority, can either make it a space for comfort or lack thereof**. **This creates a temporary safe space in which, in this case black lives, can thrive** without the uncomfortable feeling of not belonging in the space otherwise. The following link is to a student testimonial on how **black sound creates a safe space**. Safe Space Creation​ As important as it is to talk about how important safe spaces are, witnessing the application is equally as important. What is interesting is that the practice has been going on for decades, using sound to create safe spaces and letting the community escape the hardships of the spaces they are forced to exist in. ​**The practice of safe space creation is often done in the act of throwing parties**. These are gatherings where **the black community can come together with full control of the music being played, taking a space that wasn’t originally a safe space specifically for black people and filling it with Black music.** The effects are illustrated here. Bringing Communities Together in One Space through Music​ ​**The purpose of these spaces is not just for providing safe spaces for the black community, but to establish a space for communities to mix over a common interest**. In this clip, **black and white students have gathered in a single location to enjoy the same music, singing along to the same lyrics.** ​That practice is done in the act of throwing parties. These are gatherings where the black community can come together with full control of the music being played, taking a space that wasn’t originally a safe space specifically for black people and filling it with Black music. The effects are illustrated here. Providing a Model for other PWIs ​Here at Virginia Tech, there are organizations pushing the capacity to use sound as a medium to provide safe spaces on campus. Students of Hip-Hop Legacy (SoHHL) is a student organization whose goal is to connect students through digital black music. **With the music, they're able to create safe spaces** across the campus. ​Using this model of student organizations, **solidarity movements have a higher chance of thriving on college campuses around the nation**. Spaces would be set aside for black bodies to be safe and there would be a vessel for universities to further their own diversity and inclusion initiatives. These spaces do not have to be permanent or stationary either. **Through** the **research** for this project, it has come to the forefront that **travelling safe space might be the most effective choice**. <>

#### Net benefit is that travelling safe spaces, created through speech, are more beneficial for students and create coalitions.

### 1AR v Trigger Warnings

#### Turn - Creating trigger warnings to prevent people from feeling offense only encourages them to do so.

Bernstein 03

Bernstein, 2003, "Defending the First Amendment from Antidiscrimination Laws" North Carolina Law Review, https://poseidon01.ssrn.com/delivery.php?ID=651025110121111103008105084118125066052053041082042078007110088029107096011034125004044046003088116008115091082030054054047038074124101023084118071092118004019037078031091083012114095124119114090126066013087086104080098099119104106094124069006&amp;EXT=pdf

We want to get the message out that it's wrong, all around. [FN117] If Americans are going to preserve their civil liberties, then, they will need to develop thicker skin. One price of living in a free society is toleration of those who intentionally or unintentionally offend others. The current trend, however, is to give offended parties a legal remedy, as long as the offense can be construed as "discrimination." Yet to the extent the legal system gives people a remedy for offense, they [offended parties] are more likely to feel offended. This is true for two reasons. First, as economists point out, if you subsidize something, you get more of it. [FN118] If the legal remedies of antidiscrimination law, particularly monetary remedies, subsidize feelings of outrage and insult, we will get more feelings of outrage and insult, a net social loss. Economists have also noted the psychological endowment effect: once people are endowed with a right, they lose far more utility once that right is interfered with than if it had never been granted at all. [FN119] Unfortunately, Americans increasingly coddle and even reward the hypersensitive and easily outraged, perversely encouraging more people to be hypersensitive and easily outraged. In one notorious incident, a Washington, D.C. official was forced to resign for using the word "niggardly" at a meeting because the word sounded like a racial epithet, even though it is actually an innocuous synonym, of Scandinavian origin, for "miserly." [FN120] It should hardly be surprising, then, that people are suing and winning damages when offended by colleagues at work, [FN121] when excluded by a private club [FN122] or turned down as a roommate, [FN123] or for being fired from a church-run school after going back on their promise to obey church doctrine. [FN124]

1. It’s non-unique to both worlds. Trigger warnings are warnings that only serve to inform the receiver. Informing someone about something doesn’t consist a restriction.
2. Impact is marginal if these types of violations already occur in the status quo
3. Link Turn- Trigger warnings sap agency from the oppressed and aren't effective at treating PTSD

**Robbins 16** [Susan Robbins (professor of social work at University of Houston), "From the Editor—Sticks and Stones: Trigger Warnings, Microaggressions, and Political Correctness," Journal of Social Work Education, 1/19/2016] AZ

As a profession that increasingly relies on evidence-based practices, it is also important to examine the extant research on trauma treatment. A comprehensive examination of treatment for PTSD has shown exposure therapy to be the most effective intervention for those who have experienced sexual assault. Yet trigger warnings accomplish exactly the opposite by allowing trauma victims to avoid all mention and images related to the trauma, which may in fact have the opposite effect and be reinforcing. In addition, there is sound evidence that reorganizing one’s identity around a traumatic event can exacerbate PTSD and lead to poorer mental health outcomes (McNally, 2014). If we are to foster resilience in our students, trigger warnings may have the opposite effect and keep them embedded in a culture of victimization. Finally, if this trend continues (and I suspect that it will), given the fact that social work education routinely covers most, if not all, the topics that are thought to be triggers, it may be prudent to let applicants to our programs know in advance that such content is mandated by the very nature of our profession. This will allow them to make fully informed choices about entering the field of social work. Permitting students to opt out of lectures or readings to avoid content that may cause discomfort or canceling entire lectures or classes to assuage student fears of emotional distress does a disservice to our students and to the profession.

Prefer this evidence:

A. Empirics- card cites studies that evaluated various survivors of war, childhood sexual abuse, and earthquakes

B. Causality- marginal exposure to the real world fosters resilience in students

### 1AR v I Only Ban [Insert Here]

1. The NEG is in a double bind. Either they can claim their plan is constitutional and only bans speech that is not protected by the constitution which means that they’re affirming. Or they can claim their plan is unconstitutional and only bans some speech that is not protected by the constitutional meaning that the college’s speech code will be struck down by a court. According to the Constitution of the United States of America,

Article 6 of the Constitution of the United States of America

Oath Or, xx-xx-xxxx, "Article VI," LII / Legal Information Institute, https://www.law.cornell.edu/constitution/articlevi

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding. The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Hence, there is either a net benefit coming off the NEG that ends in an affirmative ballot or no net benefit at all

1. The NEG cannot access the AFF impacts. Chilling effects and exclusion or self-censorship of viewpoints will still exist even if the NEG only bans speech that objectively has no value in discourse.

Cullers 95

Cullers, 1995, " Limits on Speech and Mental Slavery: A Thirteenth Amendment Defense against Speech Codes" Case Western Reserve Law Review, <http://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=2069&amp;context=caselrev>

Further, such a subjective test provides little predictability as to which types of fringe speech would be protected. This lack of stability would have an severe chilling effect on the exercise of speech. A final objection to the use of the abhorrent speech test is that abhorrent speech can be, and to a large extent has been, defeated by a free exchange of ideas. 48 As a society, we place the utmost value on the uninhibited exchange of ideas. The abhorrent speech test would most likely strip deserving speech of protection in the name of rectifying the evils that abhorrent speech imposes. However, abhorrent speech can be stifled through the market without government action. Given that the problem of abhorrent speech can be solved without depriving speech of protected status, should we be willing to suffer the consequence of unnecessary lost protection for legitimate political speech?

Overview/Case Extension take out K: The thesis of the k is there's a singular system that incorporates and excludes and that system promotes antiblackness. The Mouffe 10 says that the public is always constituted by conflicting hegemonies because there is no a priori condition of social good, and embracing agonism lets you challenge those ideologies and argue for other ones.

1. the aff makes it possible to context the exclusions the k points out--a prior question to the alt
2. Proves blackness cannot be ontological

Also, the Aff method solve the impact of the k because there's no account of *how* the historical conditions created the conditions of ontological death, only the aff explains social death as being the complete suppression of agonism even if it seems like impacts in the squo work against the black body, if these concepts aren't natural then embracing atomism will cause them to become destabalized eventually whereas the alt just diagnoses the problem without a deep enough analysis of power to explain how that process could get reversed

### 1AR v Wilderson

Perm- Wilderson has no problem with political actions like the aff, he just doesn’t care about it. Indeed, his politics demonstrate that he doesn’t object to engaging movements that don’t want to end the world. **Wilderson ‘10**[[1]](#footnote-1)

Typically what I mean when I ask myself whether or not people will like or accept my reading, what I'm really trying to say to myself whether or not people will like or accept me and this is a difficult thing to overcome especially for a black writer because we are not just black writers, we are black people and as black people we live every day of our lives in an anti-black world. A world that defines itself in a very fundamental ways in constant distinction from us, we live everyday of our lives in a context of daily rejection so its understandable that we as black writers might strive for acceptance and appreciation through our writing, as I said this gets us tangled up in the result. The lessons we have to learn as writers resonate with what I want to say about literature and political struggle. I am a political writer which is to say my writing is self consciously about radical change but when I have worked as an activist in political movements, my labor has been intentional and goal oriented. For example, I organized, with a purpose to say free Mumia Abu Jamal, to free all political prisoners, or to abolish the prison industrial complex here in the United States or in South Africa, I have worked to abolish apartheid and unsuccessfully set up a socialist state whereas I want my poetry and my fiction, my creative non fiction and my theoretical writing to resonate with and to impact and impacted by those tangible identifiable results, I think that something really debilitating will happen to the writing, that it the writing will be hobbled if and when I become clear in the ways that which I want my writing to have an impact on political struggle what I am trying to say when I say that I want to be unclear is I don't want to clarify, I do not want to clarify the impact that my work will have or should have on political struggle, is that the relationship of literature to struggle is not one of causality but one of accompaniment, when I write I want to hold my political beliefs and my political agenda loosely. I want to look at my political life the way I might look at a solar eclipse which is to say look indirectly, look arie, in this way I might be able to liberate my imagination and go to places in the writing that I and other black people go to all the time the places that are too dangerous to go to and too dangerous to speak about when one is trying to organize people to take risk or when a political organization is presetting a list of demands, I said at the beginning this is an anti-black world. Its anti black in places I hate like apartheid South Africa and apartheid America and it’s anti-black in places I don't hate such as Cuba, I've been involved with some really radical political movements but none of them have called for an end of the world but if I can get away from the result of my writing, if I can think of my writing as something that accompanies political struggle as opposed to something that will cause political struggle then maybe just maybe I will be able to explore forbidden territory, the unspoken demands that the world come to an end, the thing that I can’t say when I am trying to organize maybe I can harness the energy of the political movement to make breakthroughs in the imagination that the movement can't always accommodate, if its to maintain its organizational capacity.

### 1AR v Costumes are Freedom of Speech

No link: Offensive costumes are freedom of expression not speech.

Kelly Cheng, Duke Chronicle, 11-4-2015, ["Nothing wrong with cultural costumes “, http://www.dukechronicle.com/article/2015/11/nothing-wrong-with-cultural-costumes, 1-7-2017] JMS

On Wednesday Oct. 28, Duke Coffeehouse hosted a “Very Haunted House Party” where students were encouraged to attend in their Halloween costumes. In the comments section of this Facebook event, it was specified that costumes portraying other cultures were deemed inappropriate and would not be allowed inside. These posters titled “We are a culture, not a costume” depicting examples of cultural costumes have been widely circulated among social media platforms. In a university with such a socially liberal atmosphere—where political activist groups can freely propagate their opinions, where there are multiple media platforms for students, where students can start new clubs on campus at their discretion—a small action such as a particular culture being depicted through a costume should be considered free expression instead of verboten. 11 Just earlier last week, Walmart's Israeli army Halloween costume had sparked some controversy as well. Many argued that this costume should not be for sale at a time when there is still a high level of tension between Israel and Palestine. However, this children’s costume does not seem to magnify the violence between the two nations or even provide a biased understanding of the situation. It simply provides a child with an opportunity to dress up as someone he may wish to emulate. Although in the past there have been controversial costumes like the “Anna Rexia” costume in 2013 depicting a skeleton with a matching measuring belt around the waist, it seems that this year’s costume market has sparked significantly more discussion than previous years. In fact, the controversy over the Anna Rexia costume has started up again in the past week with posts from Yahoo Health, Teen Vogue and People as the costume is not only still on the market but is actually sold out this season. For years, people have been dressing up as other cultures during Halloween, but why has this issue just been brought to light recently? These controversies over costumes have definitely raised awareness on the topic of cultural appropriation as well as potentially offensive costumes. But, this awareness, which was originally intended to place a negative connotation on certain costumes, may in fact increase the popularity of said costumes. After 26-year-old Jessi Davin, who had previously struggled with anorexia, drafted a petition to take the Anna Rexia costume off the market and was recognized by the media, it seemed that the costume had in fact become more popular, resulting in it being sold out this season. This recent talk over Halloween costumes has definitely increased awareness about what costumes might be potentially offensive, but this process may not necessarily reduce the sales of these costumes. Moreover, with the basic right of freedom of expression, people choose to express themselves in different ways, some of which may be interpreted as offensive. As a pluralistic society, we must live with expression that we may find offensive.

### 1AR v Restrictions

Restricting free speech will hurt the free speech and rights of everyone.

**Sanchez**, Dan **‘15**

Anti-Media, 11-19-2015, ["Why Only Free Speech Gives Safe Space to the Oppressed", http://theantimedia.org/why-only-free-speech-gives-safe-space-to-the-oppressed/] KW 12-21-2016

Again, **restricting speech is a double-edged sword**. As the American Civil Liberties Union (ACLU) [warned](http://www.theatlantic.com/politics/archive/2015/11/race-and-the-anti-free-speech-diversion/415254/): “Free speech rights are indivisible. “**Restricting the speech of one group or individual jeopardizes everyone’s rights because the same laws or regulations used to silence bigots can be used to silence you. Conversely, laws that defend free speech for bigots can be used to defend the rights of civil rights workers**, anti-war protesters, lesbian and gay activists **and others fighting for justice**.” Many campus activists have lashed out in frustration at “free speech purism,” which they regard as misplaced in the context of institutionalized oppression. But **it is extremely short-sighted to sacrifice universal principle on the altar of identity politics for the sake of marginalized groups**. Once you accept the infringement of universal rights as an acceptable political weapon, it will be wielded more effectively by oppressors against the oppressed (cops against blacks, Israeli occupiers against Palestinians, etc.), and not the other way around. Authoritarian restriction is a game much better suited for the mighty than for the marginalized. If you replace the power of principle with the principle of power, it is the relatively powerless who will get the worst of it.

### 1AR v Speech Codes Stop Oppression

Turn - speech codes further oppression on campus.

Gerald **Uelmen**

Santa Clara University, Nov 15 1990, ["Campus Hate Speech Codes", https://www.scu.edu/character/resources/campus-hate-speech-codes/] KW 1-13-2017

The most fundamental argument against **hate speech codes rests on the idea that they violate a fundamental human right, freedom of speech. Such a fundamental right**, it is argued, **should not be limited except to prevent serious harm to others. Libel or shouting "Fire!" in a movie theater, for example, can cause serious harm and, therefore, are legitimately banned. In contrast, what campuses prohibit as "hate speech" is primarily opinion that, while often offensive and unpopular, does not cause serious harm.** The fundamental right to free speech should not be restricted merely to prevent hate speech.Additionally, critics assert that **the costs of hate speech codes far outweigh their benefits.** Threatened by "politically correct" students who are backed by hate speech codes, **students who have reasonable yet nonconforming points of view will be afraid to speak in classes. As a social institution, a university should be open to all opinions, popular and unpopular.** As Oliver Wendell Holmes commented, "The very aim and end of our institutions is just this: that we may think what we like and say what we think." Hate speech codes thus inflict a major harm on our social institutions.

**Censorship is only one example of how hate speech codes undercut the benefits of higher education.** If these codes shield students from dissenting opinions, how will they learn to respond to such opinions after they graduate? **Hate speech codes encourage an artificial reality on campus that prevents students from learning effectively to tolerate diversity.**Hate speech codes may obstruct the kind of education that promotes tolerance of diversity in other ways. Over time, the same fervor that brought hate speech codes will bring further restrictions by administrators eager to create egalitarian institutions in a nonegalitarian world.The law school at the State University of New York, Buffalo, for example, seeks out and ask state bars to deny admission to former students who violate its hate speech code. And following the 1988 passage of the Civil Rights Restoration Act, which denies federal aid to students of private colleges and universities that violate federal anti-discrimination rules, legislators are considering a law that would force private institutions to require courses on, racial sensitivity and ethnic history. From defining what specifically constitutes "hate speech" to choosing the manner in which policies are enforced, codes clearly cause or invite more trouble than they are worth.

### AT Hate Speech

1. The Supreme court has ruled that ‘hate speech’ is excluded from the first amendment.

Lauren Carroll, politifact, 2015, ["CNN's Chris Cuomo: First Amendment doesn't cover hate speech”, http://www.politifact.com/punditfact/statements/2015/may/07/chris-cuomo/cnns-chris-cuomo-first-amendment-doesnt-cover-hate/, 1-5-2017] JMS

Cuomo said, "Hate speech is excluded from protection" under the First Amendment. The Supreme Court has ruled that certain categories of speech are excluded from constitutional protection, such as a threat or "fighting words." Sometimes, speech can be both a threat and hate speech, in which case it would not necessarily have First Amendment protection.

1. Aff solves hate speech: Promoting excluded voices combats hate speech.

Alexander Davidson, California Polytechnic State University, San Luis Obispo, 2016, ["The Freedom of Speech in Public Forums on College Campuses: A Single-Site Case Study on Pushing the Boundaries of the Freedom of Speech ", http://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?article=1119&amp;context=joursp, 1-5-2017] JMS

All experts agreed thatnegative speech creates awareness that surrounds a certain topic. They all noted that “good speech” surfaces to combat the “bad speech.” Humphrey notes that, “We have seen a lot of students stand up and say that this isn’t welcomein this community. It galvanized a movement that said we need to do better” (Appendix A). Den Otter notes something very similar, stating that, “I think any time that there’s some kind of racist incident on campus, people start talking about it. They’re made more aware of it” (Appendix B). And Loving advocates for people to not just stand idly while hate speech is taking place around them, that, “If racial slurs were met with more conversation, evil councils being remedied by good councils, then how long would that atmosphere remain on campus?” (Appendix C). The research shows that these suggestions and statements are true, if history is used as an indicator. Various incidents that have occurred, such as the California Polytechnic State University College Republicans Free Speech Wall, the Crops House Incident and the Charlie Hebdo Attacks have created movements against the negative speech that took place. Many times when “bad speech” shows its face, there are people who use “good speech” to combat the issue.

1. Turn – free speech best solution to hate speech. Restrictions fuel hate speech which causes your impact faster, makes it bigger, and makes it more likely.

Stevens and Phillips ’16, [Sean Stevens(), Free Speech is the Most Effective Antidote to Hate Speech, Heterodox Academy, 12-5-2016, 16, http://heterodoxacademy.org/2016/12/05/free-speech-is-the-most-effective-antidote-to-hate-speech/, 1-4-2017. SK]

On December 6, Texas A&M University will play host to Richard Spencer, a leader of the “alt-right” movement, and an open white supremacist. Many will likely view Spencer’s presence at Texas A & M as confirmation that Donald Trump’s election to the presidency has allowed fringe political views to enter mainstream discussion. When Spencer, or someone like him, makes a statement like “America was, until this last generation, a white country, designed for ourselves and our posterity. It is our creation and our inheritance, and it belongs to us,” many people may question why we should remain committed to the First Amendment. This post argues why members of an academic community need to remain steadfast in that commitment, even when faced with a figure like Richard Spencer. When hardcore racists and xenophobes remain consigned to obscure message boards and poorly attended events, it’s fairly easy to believe in freedom of speech and expression. But **when organized hatred arrives on campus, such defenses can be perceived as granting unacceptable cover** to viewpoints that are widely considered despicable and immoral. To many, such viewpoints don’t deserve the protection of the First Amendment. Unfortunately, **the impulse to start limiting speech** – either with on-the-books campus speech codes or simply through stepped-up social enforcement of speech taboos – **is likely to pour gasoline on the fire and make the problem worse**. Research suggests that **restrictions perceived to threaten or possibly eliminate behavioral freedoms may trigger “psychological reactance”, and increase one’s desire to engage in the restricted behavior**. For instance, Worchel and colleagues (1975) assessed desire to hear censored material among students at the University of North Carolina. The experimenter informed participants that they would soon be hearing a tape recording of a speech and that the study was interested in how personal characteristics impact a speaker’s ability to get their message across. Some participants were then informed that because a student group (either the YM-YWCA or the John Birch Society) on campus was opposed to the content of the speech, the experimenter would not be able to play the taped recording. Consistent with reactance theory, participants who were informed they could not hear the content of the speech, reported a stronger desire to do so. This effect occurred regardless of whether the student group was viewed positively (YM-YWCA) or negatively (the John Birch Society). More recently, Silvia (2005) investigated if interpersonal similarity could override the experience of psychological reactance. In two separate studies, psychological reactance occurred when people felt their attitudinal freedom was threatened when interpersonal similarity was low, but not when interpersonal similarity was high. More broadly, while ingroup favoritism may depend more on positive affect towards the ingroup, **perceived discrimination by an outgroup increases ingroup identification, and can increase anger, hostility and aggression towards outgroups**. If we incorporate these findings into our thinking about whether to censor a speaker, the following chain of events does not seem to be an implausible reaction: Censoring a speaker may increase some people’s desire to hear that speaker’s message, particularly those who perceive the speaker as similar to them in some way. **Censoring a speaker may be perceived as threatening to people who perceive the speaker as similar to them**. **The perception of threat is likely to increase identification with a salient ingroup**. Increased ingroup identification in response to threat may result in anger, hostility, and aggression towards outgroups. In other words, censoring and disinviting a speaker such as Richard Spencer may actually make him and his views more popular. Instead of acting as an antidote to hatred, censorship may pour gasoline onto an already simmering fire. Calls to disinvite, and thus censor, Spencer may produce the unintended consequence of promoting his vile, racist views. People like Spencer revel in the power of their words to arouse emotions and strong reactions in their opponents. They interpret attempts to silence and exile their voices as fear of the truth they possess. **The alt-right movement confidently hoists the pirate flag of rebellion, but it can only claim to be rebellious if it can point to the “powers that be” trying to shut them down.** **Meeting hate speech with more speech** is hard. It is extremely difficult to engage with people who hold beliefs that call another’s humanity into question. But **engagement may be the most effective tool we have.** Speech codes and disinvitations may feel good in the moment, but they represent an easy way out. Often, what has been made taboo and socially undesirable comes back stronger than before. We believe a stronger antidote is needed, and that antidote is more speech. To challenge Spencer, this speech can take different forms; and on December 6, some may find it cathartic, empowering and/or exciting to do so. However, we urge that opposition be constructive, not disruptive. Donating to counter causes, such as the Anti-Defamation League, the Simon Wiesenthal Center, and the National Organization for Advancement of Colored People’s legal defense fund, that are actively combatting people like Spencer and his ideas is one useful tactic. Indeed, shortly after the announcement that Spencer would be speaking on campus, the psychology department at Texas A & M launched a fundraising campaign to protest Spencer and his racism. Joining this protest and funding groups opposed to Spencer is a form of speech and action that makes Spencer weaker, not strong. Same thing for attending his talk and rebutting his speech during the question and answer period. **Speech can be deployed as a scalpel, able to cut through vitriol, rhetoric and mendacity to help counter speech that advocates for harmful ideas and outcomes**. SK

Outweighs:

1. Recency: It’s from a month and a day ago.
2. Specificity: Talks about hate speech on college campus’ specifically.

Material conditions prove that minority scholarship is silenced – an overwhelming white curricula dooms grassroots and thus widespread movements for change – empirics of material conditions prove.

Wong ’15, [Alia Wong(), Why So Many U.S. Students Are Learning Lies About America’s Racial Past, Atlantic, 10-21-2015, 15, http://www.theatlantic.com/education/archive/2015/10/the-history-class-dilemma/411601/, 1-5-2017. SK]

Earlier this month, **McGraw Hill** found itself at the center of some rather embarrassing press after a photo showing a **page from one of its high-school world-geography textbooks** was disseminated on social media. The page **features a** seemingly innocuous polychromatic map of the United States, broken up into thousands of counties, as part of a lesson on the country’s immigration patterns: Different colors correspond with various ancestral groups, and the color assigned to each county indicates its largest ethnic representation. The **page** is scarce on words aside from an introductory summary and three text bubbles explaining specific trends—for example, that Mexico accounts for the largest share of U.S. immigrants today. The recent blunder has to do with one bubble in particular. Pointing to a patch of purple grids extending throughout the country’s Southeast corridor, the one-sentence caption reads: **The Atlantic Slave Trade between the 1500s and 1800s brought millions of workers from Africa** to the southern United States **to work on agricultural plantations**. The photo that spread through social media was taken by a black Texas student named Coby Burren, who subsequently texted it to his mom, Roni-Dean Burren. “Was real hard workers, wasn’t we,” he wrote. Roni-Dean quickly took to Facebook, lambasting the blunder: the reference to the Africans as workers rather than slaves. A video she later posted has been viewed nearly 2 million times, and her indignation has renewed conversations around the Black Lives Matter movement while attracting coverage by almost every major news outlet. “It talked about the U.S.A. being a country of immigration, but mentioning the slave trade in terms of immigration was just off,” she told The New York Times. “It’s that nuance of language. **This is what erasure looks like**.” McGraw Hill swiftly did its damage control. It announced that it was changing the caption in both the digital and print versions to characterize the migration accurately as a “forced” diaspora of slaves: “We conducted a close review of the content and agree that our language in that caption did not adequately convey that Africans were both forced into migration and to labor against their will as slaves,” the company said in a statement. “We believe we can do better.” Catherine Mathis, the company’s spokeswoman, also emphasized that the textbook accurately referred to the slave trade and its brutality in more than a dozen other instances. And McGraw Hill has offered to provide various additional resources to any school that requests them, including supplemental materials on cultural competency, replacement textbooks, or stickers with a corrected caption to place over the erroneous one. But Texas school districts were already in possession of more than 100,000 copies of the book, while another 40,000, according to Mathis, are in schools in other states across the country. “We’re not teaching the forest—we’re not even teaching the trees. We are teaching twig history.” If nothing else, the incident may serve as yet another example of why social studies—and history in particular—is such a tricky subject to teach, at least via textbooks and multiple-choice tests. Its topics are inherently subjective, impossible to distill into paragraphs jammed with facts and figures alone. As the historian and sociologist Jim Loewen recently told me, in history class students typically “have to memorize what we might call ‘twigs.’ We’re not teaching the forest—we’re not even teaching the trees,” said Loewen, best known for his 1995 book Lies My Teacher Told Me: Everything Your American History Textbook Got Wrong. “We are teaching twig history.” This is in part why a growing number of educators are calling for a fundamental shift in how the subject is taught. Some are even calling on their colleagues to abandon traditional models of teaching history altogether. Instead of promoting the rote memorization of information outlined in a single, mass-produced textbook, these critics argue that teachers should use a variety of primary-source materials and other writings, encouraging kids to analyze how these narratives are written and recognize the ways in which inherent biases shape conventional instructional materials. In an essay for The Atlantic earlier this year, Michael Conway argued that history classes should focus on teaching children “historiography”—the methodologies employed by historians and the exploration of history itself as an academic discipline: Currently, most students learn history as a set narrative—a process that reinforces the mistaken idea that the past can be synthesized into a single, standardized chronicle of several hundred pages. This teaching pretends that there is a uniform collective story, which is akin to saying everyone remembers events the same. Yet, history is anything but agreeable. It is not a collection of facts deemed to be “official” by scholars on high. It is a collection of historians exchanging different, often conflicting analyses. And rather than vainly seeking to transcend the inevitable clash of memories, American students would be better served by descending into the bog of conflict and learning the many "histories" that compose the American national story. But according to Loewen, **the shortcomings of the country’s history teachers make the improvement of its instruction**, let alone the introduction of historiography, **a particularly difficult feat**. Compared to their counterparts in other subjects, high-school history teachers are, at least in terms of academic credentials, among the least qualified. A report by the American Academy of Arts & Sciences on public high-school educators in 11 subjects found that in the 2011-12 school year, more than a third—34 percent—of those teaching history classes as a primary assignment had neither majored nor been certified in the subject; only about a fourth of them had both credentials. (At least half of the teachers in each of the other 10 categories had both majored and been certified in their assigned subjects.) MORE ON HISTORY EDUCATION http://cdn.theatlantic.com/assets/media/img/mt/2015/02/8006019316\_e906e883b8\_k/lead\_large.jpg?1430146146 The Problem With History Classes Who Should Decide How Students Learn About America’s Past? Why Civics Is About More Than Citizenship In fact, of the 11 subjects—which include the arts, several foreign languages, and natural science—history has seen the largest decline in the percentage of teachers with postsecondary degrees between 2004 and 2012. And it seems that much of the problem has little to do with money: The federal government has already dedicated more than $1 billion over the last decade to developing quality U.S.-history teachers, the largest influx of funding ever, with limited overall results. That’s in part because preparation and licensing policies for teachers vary so much from state to state. A recent report from the National History Education Clearinghouse revealed a patchwork of training and certification requirements across the country: Only 17 or so states make college course hours in history a criterion for certification, and no state requires history-teacher candidates to have a major or minor in history in order to teach it. “Many [history teachers] aren’t even interested in American history,” said Loewen, who’s conducted workshops with thousands of history educators across the country, often taking informal polls of their background and competence in the subject. “They just happen to be assigned to it.” “Many [history teachers] aren’t even interested in American history. They just happen to be assigned to it.” This disconnect can take a serious toll on the instruction kids receive, according to Loewen. Absent a genuine interest in history, many teachers simply defer to the information contained in textbooks. “They use the textbook not as a tool but as a crutch,” Lowen said. And chances are, that makes for a pretty lousy class. Loewen suspects that these and other textbook woes are largely why students frequently list history and other social-studies subjects as their least favorite classes. And perhaps it’s why so few American adults identify them as the most valuable subjects they learned in school. In a 2013 Gallup poll, just 8 percent of respondents valued history most, while just 3 percent voted for social studies. (First place, or 34 percent of votes, went to math, while 21 percent of respondents selected English and reading.) And as the McGraw Hill example demonstrates, the textbooks teachers rely on so heavily are prone to flaws. A National Clearinghouse on History Education research brief on four popular elementary and middle-school textbooks concluded that the materials “left out or misordered the cause and consequence of historical events and frequently failed to highlight main ideas.” And the flaws can be much more egregious than isolated errors, disorganization, or a lack of clarity—sometimes they’re fundamental distortions of the contexts leading up to many of today’s most dire social ills. Take the Civil War. As Loewen argued in a recent Washington Post op-ed, textbook publishers tend to “mystify” the reasons for the South’s secession largely “because they don’t want to offend school districts and thereby lose sales.” Some of the most widely used history textbooks today even insinuate that the South’s motivation for secession was simply to protect states’ rights—not to preserve slavery. And this “mystification” can come with significant societal implications. As The Atlantic’s Ta-Nehisi Coates has pointed out, Americans still disagree about “What This Cruel War Was Over.” A recent national poll found that while 54 percent of Americans identify slavery as the cause, 41 percent do not; beliefs over what schools should teach children about the cause mirror that distribution. “They use the textbook not as a tool but as a crutch.” Perhaps these realities help explain why racial achievement gaps are so large in social-studies subjects—comparable to the divide in math, a subject notorious for socioeconomic disparities in proficiency. One of the largest gaps is in geography, which saw a 33-point difference between black and white eighth-graders’ average scores on the 2013 National Assessment of Educational Progress (NAEP); the difference between Hispanic and white students was 25 points. But the gap was also notably large on the 2013 U.S. history and civics exams, too. These disparities aren’t likely to improve, considering how No Child Left Behind has reduced the time dedicated to social-studies instruction nationwide—a concern highlighted just last week in a report published by the U.S. Government Accountability Office. And the overall lack of achievement and engagement in social studies has been a concern among educators for decades. An Institute of Education Sciences report published in 1982—“Why Kids Don’t Like Social Studies”—found “largely indifferent or negative attitudes toward social studies subjects” among adolescents. “Many students found social studies content boring, citing that the information is too far removed from their experience, too detailed, or too repetitious,” the report concluded. “These reasons suggest the need to strive for greater variety in instruction and provide more opportunities for student success.” Ultimately, these education dilemmas extend beyond the classroom. Jen Kalaidis explored the consequences of declining social-studies instruction in an article for The Atlantic in 2013. Citing a report by the Carnegie Corporation of New York, Kalaidis noted that “students who receive effective education in social studies are more likely to vote, four times more likely to volunteer and work on community issues, and are generally more confident in their ability to communicate ideas with their elected representatives.” \* \* \* The McGraw Hill fiasco is the latest manifestation of the Lone Star State’s fraught history of textbook politics. A few years ago, the state’s school board famously established a social-studies curriculum that, according to the Times, gave the subject’s textbooks a conservative bent. Texas’s high-school standards, for example, require that students identify Moses as one of the individuals “whose principles of laws and government institutions informed the American founding documents” and establish how Judeo-Christian, and “especially biblical law,” “informed the American founding.” The standards also effectively aim to distinguish religious freedom in the U.S. from “the separation of church and state.” But as Dan Quinn, a former social-studies-textbook editor who now works with the Texas Freedom Network, has noted, when it comes to textbooks, “what happens in Texas does not stay in Texas.” The state buys nearly 50 million textbooks each year, according to the National Education Association, giving it enormous influence on the entire country’s instructional-material market. Zack Kopplin, an activist best known for his efforts to keep creationism out of schools, wrote in an Atlantic piece last year, school districts across the country “buy books that were written to meet Texas’s standards, flaws included.” Kopplin even quoted Don McLeroy, a former chairman of Texas’s Board of Education who has advocated for the teaching of intelligent design, as saying, “Sometimes it boggles my mind the kind of power we have.” Texas’s controversies are emblematic of the kinds of disputes taking place nationwide. For one, close to half of all states, like Texas, adopt textbooks on a statewide basis. That means state education boards—not districts or schools—dictate the textbooks used in classrooms, a policy that the Fordham Institute has described as “fundamentally flawed.” In a report titled “The Mad, Mad World of Textbook Adoption,” the institute argued that “it distorts the market, entices extremist groups to hijack the curriculum, and papers the land with mediocre instructional materials.” **History classes often mislead kids with Eurocentric interpretations of the actors and events**. Meanwhile, the last year alone has witnessed an array of clashes over history education. There’s the recent (and ongoing) battle over the AP U.S.-history curriculum, which has become embroiled in a tug-of-war between those who say it’s too patriotic and others who say it isn’t patriotic enough. Similar debates have taken place over the teaching of civics—and, in particular, over one group’s effort to make the U.S. citizenship exam a high-school graduation requirement in every state. And this summer, Dylann Roof’s massacre of nine African Americans in a Charleston church—and the concerns subsequently raised about the persistence of white supremacy and ideologies symbolized by the Confederate Flag—renewed conversations about the distorted ways in which the history of slavery is taught in so many of America’s schools. SK

NCES 14 – Hate speech does not deter minorities from going to college—actually turn, minority percentage is increasing.

U.S. Department of Education, National Center for Education Statistics. (2016). *Digest of Education Statistics, 2014* (NCES 2016-006), [Chapter 3](http://nces.ed.gov/programs/digest/d14/ch_3.asp)

Enrollment in degree-granting postsecondary institutions increased by 18 percent between 1993 and [In] 2003. Between 2003 and 2013, enrollment increased 20 percent, from 16.9 million to 20.4 million. Much of the growth between 2003 and 2013 was in full-time enrollment; the number of full-time students rose 22 percent, while the number of part-time students rose 18 percent. During the same period, the number of female students rose 19 percent, while the number of male students rose 22 percent. Although male enrollment increased by a larger percentage during this period, the majority (57 percent) of students in 2013 were female. Enrollment increases can be affected both by population growth and by rising rates of enrollment. Between 2003 and 2013, the number of 18- to 24-year-olds in the population increased from 28.9 million to 31.5 million, an increase of 9 percent, and the percentage of 18- to 24-year-olds enrolled in degree-granting postsecondary institutions rose from 38 percent in 2003 to 40 percent in 2013. In addition to enrollment in degree-granting institutions, about 472,000 students attended non-degree-granting, Title IV eligible, postsecondary institutions in fall 2013. These institutions are postsecondary institutions that do not award associate's or higher degrees; they include, for example, institutions that offer only career and technical programs of less than 2 years' duration. Like enrollment in degree-granting institutions for the United States as a whole, the number of students enrolled in degree-granting institutions located within individual states was generally higher in 2013 than in 2008. Overall, enrollment in degree-granting institutions was 7 percent higher in 2013 than in 2008. Between 2003 and 2013, the percentage increase in the number of students enrolled in degree-granting institutions was higher for students under age 25 than for older students; however, the rate of increase is expected to be lower for students under age 25 than for older students in the coming years. The enrollment of students under age 25 increased by 22 percent from 2003 to 2013, while the enrollment of those age 25 and over increased by 19 percent. From 2013 to 2024, however, NCES projects the increase for students under age 25 to be 13 percent, compared with 14 percent for students age 25 and over. Enrollment trends have differed at the undergraduate and postbaccalaureate levels. Undergraduate enrollment increased 47 percent between 1970 and 1983, when it reached 10.8 million. Undergraduate enrollment dipped to 10.6 million in 1984 and 1985, but then increased each year from 1985 to 1992, rising 18 percent before stabilizing between 1992 and 1998. Between 2003 and 2013, undergraduate enrollment rose 21 percent overall, from 14.5 million to 17.5 million; however, undergraduate enrollment in 2013 was lower than in 2010 (18.1 million). Since 1988, the number of females in postbaccalaureate programs has exceeded the number of males. Between 2003 and 2013, the number of full-time male postbaccalaureate students increased by 24 percent, compared with a 34 percent increase in the number of full-time female postbaccalaureate students. Among part-time postbaccalaureate students, the number of males increased by 6 percent and the number of females increased by 10 percent. The percentage of American college students who are Hispanic, Asian/Pacific Islander, Black, and American Indian/Alaska Native has been increasing. From 1976 to 2013, the percentage of Hispanic students rose from 4 percent to 16 percent, the percentage of Asian/Pacific Islander students rose from 2 percent to 6 percent, the percentage of Black students rose from 10 percent to 15 percent, and the percentage of American Indian/Alaska Native students rose from 0.7 to 0.8 percent. During the same period, the percentage of White students fell from 84 percent to 59 percent.

### 1AR v Call-Out Culture

1. Turn: Call-out culture fails and creates momentum for destructive movements.

Michael O'Neill, Brown Political Review, 2016, ["The Pitfalls of Call-Out Culture”, http://www.brownpoliticalreview.org/2016/05/26760/, 2-11-2017] JMS

That being said, call-out culture can sometimes do more harm than good, specifically when the subject being called-out is not in a position of power. Often, challenging and criticizing the words of those who have little or no prior influence can give them a new, more widespread platform to share their thoughts. Even if the vast majority of the attention given to them is negative, some will inevitably sympathize with and possibly even copy their comments or actions. It’s similar to if Rolling Stone were to review an obscure album plucked from the depths of Bandcamp just to write a harsh criticism of it: sure, the intention is to point out the music’s flaws, but in the end the artist will receive more publicity and the album will sell more copies than if it remained undocumented, unanalyzed, and ultimately unnoticed. This concern is no longer merely a hypothesis, and examples of calling out backfiring have already become prevalent. Earlier this year, YouTuber Daryush “Roosh” Valizadeh, whose videos are wildly misogynistic and homophobic and who even advocates for the legalization of rape, planned [a series of public meet-ups](http://www.rooshv.com/full-city-listing-and-meeting-points-for-international-meetup-day-on-february-6) for his viewers. However, after intense public outcry, [media scrutiny](http://www.washingtontimes.com/news/2016/feb/2/roosh-v-pro-rape-activist-organizes-covert-meeting/), and [promises from women’s groups to disrupt the events](http://nymag.com/thecut/2016/02/pro-rape-meet-up-canceled-over-safety-concerns.html), Roosh cancelled the meet-ups. While his messages are obviously incredibly heinous and disgusting, realistically the meet-ups were to be of modest size at best and were designed for his viewers — who presumably would already share his views — to talk to each other in person. The outrage around the events, on the other hand, provided Roosh and his followers with more attention than ever before, certainly more than they would’ve gotten just via the events. Even though the public reaction was overwhelmingly negative, protestors may have inadvertently spread Roosh’s messages of hate for him; indeed, since the controversy, his YouTube subscriber count has increased from about [19,000](http://www.dailymail.co.uk/news/article-3427579/Portrait-creep-nerdy-microbiologist-anonymous-blog-hate-filled-author-thinks-rape-used-control-women.html) to [21,500](https://www.youtube.com/user/roosh4/videos), or by about 13 percent. While an additional 2,500 subscribers does not constitute a massive jump, it only takes a modest gain to lead to countless suffering. More recently, controversy arose online — primarily via Facebook — when a Starbucks employee [labeled a customer’s sugary order “diabetes here I come.”](http://www.huffingtonpost.com/entry/starbucks-diabetes-joke_us_570a6cf2e4b0836057a17d85) The image showing the distasteful comment went viral, becoming a trending topic online for a day or two. Once again, while it’s important to note the problematic nature of comments like this in person-to-person interactions, the benefits of sharing this story over and over again seem unclear. The criticism may stop that specific employee from doing such a thing again (if he manages to retain his job), but beyond that the criticism hardly seems productive. If anything, a handful of bone-headed copycats could follow suit after finding the original comments funny, but the overwhelming amount of people who see this story do nothing, save for a quick giggle or a lackadaisical rolling of the eyes. Therefore, in this situation, and others like it, call-out culture could be seen as ineffectual at best and counter-intuitive at worst. Furthermore, calling-out non-influential figures and handing them the spotlight in the process gives other individuals incentive to make controversial statements of their own. In other words, if someone is desperate enough for attention, even if it’s negative, they might see that saying or doing something blatantly hateful can garner the publicity they crave. It’s the same concept the has boosted Trump and Carson campaigns (to different levels of effectiveness) this election cycle; that is, using controversy and outrage to get their names out there and increase their visibility in the media and public eye. Both candidates have employed inflammatory and hateful rhetoric mainly aimed at immigrants and minorities as a way of reaching their respective levels of success throughout the election process. The increased media attention and excessive reporting on their bombast elevated their status, even causing the few people who truly agree to feel validated and become actively recalcitrant. Challenges from activists have done little to derail Trump’s campaign in particular, in many ways feeding into the persecution complex he and his supporters allege and provoking further malevolence.

1. Turn: Calling people out replicates the SQs totalitarian politics.

Asam Ahmad, coordinator of the It Gets Fatter Project, a body positivity group started by fat queer people of colour, in BriarPatch Magazine, 2015 “A Note on Call-Out Culture” [https://briarpatchmagazine.com/articles/view/a-note-on-call-out-culture, Accessed 2-11-17] JMS

In the context of call-out culture, it is easy to forget that the individual we are calling out is a human being, and that different human beings in different social locations will be receptive to different strategies for learning and growing. For instance, most call-outs I have witnessed immediately render anyone who has committed a perceived wrong as an outsider to the community. One action becomes a reason to pass judgment on someone’s entire being, as if there is no difference between a community member or friend and a random stranger walking down the street (who is of course also someone’s friend). Call-out culture can end up mirroring what the prison industrial complex teaches us about crime and punishment: to banish and dispose of individuals rather than to engage with them as people with complicated stories and histories. It isn’t an exaggeration to say that there is a mild totalitarian undercurrent not just in call-out culture but also in how progressive communities police and define the bounds of who’s in and who’s out. More often than not, this boundary is constructed through the use of appropriate language and terminology – a language and terminology that are forever shifting and almost impossible to keep up with. In such a context, it is impossible not to fail at least some of the time. And what happens when someone has mastered proficiency in languages of accountability and then learned to justify all of their actions by falling back on that language? How do we hold people to account who are experts at using anti-oppressive language to justify oppressive behaviour? We don’t have a word to describe this kind of perverse exercise of power, despite the fact that it occurs on an almost daily basis in progressive circles. Perhaps we could call it anti-oppressivism. Humour often plays a role in call-out culture and by drawing attention to this I am not saying that wit has no place in undermining oppression; humour can be one of the most useful tools available to oppressed people. But when people are reduced to their identities of privilege (as white, cisgender, male, etc.) and mocked as such, it means we’re treating each other as if our individual social locations stand in for the total systems those parts of our identities represent. Individuals become synonymous with systems of oppression, and this can turn systemic analysis into moral judgment. Too often, when it comes to being called out, narrow definitions of a person’s identity count for everything.

### 1AR v Tuck and Yang

**1. Perm - It’s try or die for research—it’s the only hope for inquiry—the aff is an investigation of the psychological and racial biases that are largely obscured, which is what their evidence calls for.**

**Tuck and Yang** explain,

Research is a dirty word among many Native communities (Tuhiwai Smith, 1999), and arguably, also among ghettoized (Kelley, 1997), Orientalized (Said, 1978), and other communities of overstudied Others. **The ethical standards of the academic industrial complex** are a recent development, and like so many post–civil rights reforms, **do not always do enough to ensure that social science research is deeply ethical, meaningful, or useful for the individual or community being researched**. Social science often works to collect stories of pain and humiliation in the lives of those being researched for commodification. However, **these same stories of pain and humiliation are part of the collective wisdom that often informs the writings of researchers who attempt to position their intellectual work as** decolonization. Indeed, **to refute the crime, we** may **need to** name it. How do we learn from and respect the wisdom and desires in the stories that we (over) hear, while refusing to portray/betray them to the spectacle of the settler colonial gaze? How do we develop an ethics for research that differentiates between power—which deserves a denuding, indeed petrifying scrutiny—and people? At the same time, as fraught as research is in its complicity with power, it is one of the last places for legitimated inquiry. It is at least still a space that proclaims to care about curiosity. In this essay, **we theorize refusal not just as a “no,” but as a type of** investigation into “what you need to know and what I refuse to write in” (Simpson, 2007, p. 72). Therefore, **we present** a refusal to do research, or **a refusal within research, as a way of thinking about humanizing researchers.**

**2. Perm—Endorse the 1AC as an affirmation of desire based research—that’s what Tuck and Yang actually advocate for.**

**Tuck and Yang** explain, [Tuck and Yang 14 Eve Tuck earned her Ph.D.in Urban Education at The Graduate Center, The City University of New York in 2008. She has conducted participatory action research with New York City youth on the uses and abuses of the GED option, the impacts of mayoral control, and school non-completion, and K. Wayne Yang, the co-founder of the Avenues Project, a non-profit youth development organization, and also the co-founder of East Oakland Community High School. He also worked in school system reform as part of Oakland Unified School District’s Office of School Reform. An accomplished educator, Dr. Yang has taught high school in Oakland, California for over 15 years and received the Academic Senate Distinguished Teaching Award in 2010, 2014, “R-Words: Refusing Research”. <https://www.academia.edu/3570279/R-words_Refusing_research>. SK]

Alongside analyses of pain and damage-centered research, Eve (Tuck 2009, 2010) has theorized desire-based research as not the antonym but rather the antidote for damage-focused narratives. Pain narratives are always incomplete. They bemoan the food deserts, but forget to see the food innovations; they lament the concrete jungles and miss the roses and the tobacco from concrete. Desirecentered research does not deny the experience of tragedy, trauma, and pain, but positions the knowing derived from such experiences as wise. This is not about seeing the bright side of hard times, or even believing that everything happens for a reason. Utilizing a desire-based framework is about working inside a more complex and dynamic understanding of what one, or a community, comes to know in (a) lived life. Logics of pain focus on events, sometimes hiding structure, always adhering to a teleological trajectory of pain, brokenness, repair, or irreparability—from unbroken, to broken, and then to unbroken again. Logics of pain require time to be organized as linear and rigid, in which the pained body (or community or people) is set back or delayed on some kind of path of humanization, and now must catch up (but never can) to the settler/unpained/abled body (or community or people or society or philosophy or knowledge system). In this way, the logics of pain has superseded the now outmoded racism of an explicit racial hierarchy with a much more politically tolerable racism of a developmental hierarchy.2 Under a developmental hierarchy, in which some were undeterred by pain and oppression, and others were waylaid by their victimry and subalternity, damagecentered research reifies a settler temporality and helps suppress other understandings of time. Desire-based frameworks, by contrast, look to the past and the future to situate analyses.

**1. Turn—Not speaking for others reflects blame and maintains the oppression of others; speaking is necessary and good.**

**Sells** explains,

In her recent article, "The Problems of Speaking For Others," Linda Alcoff points out the ways in which this retreat rhetoric has actually become an evasion of political responsibility. Alcoff's arguments are rich and their implications are many, but one implication is relevant to a vital feminist public forum. The retreat from speaking for others politically dangerous because it erodes public discourse. First, the retreat response presumes that we can, indeed, "retreat to a discrete location and make singular claims that are disentangled from other's locations." Alcoff calls this a "false ontological configuration" in which we ignore how our social locations are always already implicated in the locations of others. The position of "not speaking for others" thus becomes an alibi that allows individuals to avoid responsibility and accountability for their effects on others. The retreat, then, is actually a withdrawal to an individualist realm, a move that reproduces an individualist ideology and privatizes the politics of experience. As she points out, this move creates a protected form of speech in which the individual is above critique because she is not making claims about others. This protection also gives the speaker immunity from having to be "true" to the experiences and needs of others. As a form of protected speech, then, "not speaking for others" short-circuits public debate by disallowing critique and avoiding responsibility to the other. Second, the retreat response undercuts the possibility of political efficacy. Alcoff illustrates this point with a list of people--Steven Biko, Edward Said, Rigoberta Menchu--who have indeed spoken for others with significant political impact. As she bluntly puts it, both collective action and coalition necessitate speaking for others.

**3.** **Turn—Narratives of suffering are key to compassion and political action. The conclusions of the K are nonsensical.**

**Porter** explains,

First, attentiveness to suffering is needed because as fragile, vulnerable humans, we all suffer sometimes. The suffering I refer to here is that which has political implications. "How we engage with the suffering humanity around us affects and mirrors the health of our souls and the health of society" (Spelman 1997a, 12). Feeling compassion is a moral prompt to encourage a response to those we know are suffering. Nussbaum suggests that compassion rests on three beliefs about the nature of suffering.20 First, that the suffering is serious, not trivial. Second, "that the suffering was not caused primarily by the person's own culpable actions" (1996, 31).21 For example, suffering is caused by mercenaries or armies who murder all men in a village as "soft targets"; "smart bombs" that "surgically" destroy independent media networks and family homes; "friendly fire" that accidentally kills allies; and missiles on "probing missions" that kill civilians in war as "collateral damage." The Australian government's mandatory policy of detaining asylum seekers causes suffering. Third, "the pitier's own possibilities are similar to those of the sufferer" (31). Compassion acknowledges vulnerability, an admittance of one's own weakness, without which arrogant harshness prevails. For this reason, those who have suffered great hardship, pain, or loss are often are the most compassionate. Yet, we do not wish suffering on anyone simply to teach what is required for compassion. Cornelio Sommaruga, who headed the International Committee of the Red Cross for ten years, has reflected that it **was** his "daily realization that the more one is confronted with the suffering caused by war, the less one becomes accustomed to it**" (1998, ix). Just as Weil used the term "discernment" (quoted in R. Bell 1998), Nussbaum suggests that "judgment" that does not utilize the "intelligence of compassion in coming to grips with the significance of human suffering is blind and incomplete" (1996, 49). This judgment is crucial for understanding the conditions that give rise to injury and thus to the wise responses that might address such harms. When the experience of, forexample, being in a detention camp in a remote desert area seems to crush the morale of asylum seekers, attentiveness to their plight in the form of gifts, letters, and practical or legal help affirms their humanity. We see this dignity explained in Seyla Benhabib's concept of the "generalized other," which treats people as having equal rights and duties including the right to seek asylum when one has been persecuted, and the "concrete other," which "requires us to view each and every rational being as an individual with a concrete history, identity, and affective-emotional constitution" (1987, 164).** Ethical politics is about trying to cultivate decent polities that affirms human dignity. Such politics acknowledges the uniqueness of citizens, and affirms "our humanity in making others part of our lives while recognizing their right to be different**"** (Coicaud and Warner 2001, 13). It is [End Page 112] by no means simple to humanize the experience of the other when that experience is horrific, such as in torture, war-rape, sexual trafficking, or existing in detention camps. The "humanizing" comes in recognizing the intensity of pain, feeling some of the anguish, and realizing human vulnerability to the point of appreciating that in different situations, we too might be tortured, raped, forced into prostitution, or seeking asylum. Yet there are competing interpretations of the nature of pain and its causes, consequences, and moral, religious, and social significance. Debating pain and suffering places it in a political space. A compassionate society that values people must value different people with different interpretations of what is needed to ease suffering. It is hypocritical for states to mouth the rhetoric of compassion and respect of obligations to others, but in practice to ignore suffering. For example, mandatory detention of asylum seekers in Australia can last for many years.22 Isolation, uncertainty, separation from families, and memories of past traumas in one's country of origin often lead to mental breakdown or prolonged anguish. Yet the Australian government claims to respect the 1951 UN Refugee Convention and the 1967 Protocol Relating to the Status of Refugees. I have explained what constitutes suffering and that attentiveness affirms dignity. I clarify further the nature of attentiveness. If morality is about our concerned responsiveness, attention is the prerequisite to intense regard. Iris Murdoch borrowed the concept of "attention" from Simone Weil "to express the idea of a just and loving gaze" (1985, 34) on the reality of particular persons. Part of the moral task is, as Murdoch reiterated, to see the world in its reality—to see people struggling in pain and despair. Weil, too, gave "attention" a prominent place, grounded in concrete matters of exploitation, economic injustice, and oppression.23 Her emphases were pragmatic in struggling against the debilitating nature of life—how "it humiliates, crushes, politicizes, demoralizes, and generally destroys the human spirit" (quoted in R. Bell 1998, 16)—and idealistic in striving to put ideals into practice. Too readily, we think about suffering in the height of media accounts of famine, suicide bombings, terrorist attacks, refugee camps, and war's destructive impact, and retreat quickly into our small world of self-pity. As Margaret Little explains, Murdoch's point was that "the seeing itself is a task—the task of being attentive to one's surroundings" (1995, 121). We need to "see" reality in order to imagine what it might be like for others, even when this includes horrific images from war violence.24 Yet despite the presence of embedded journalists, media reporting of such events as the invasion of Iraq has remained entirely typical in that "the experience of the people on the receiving end of this violence remains closed to us" (Manderson 2003, 4). Without political imagination, we will not have compassionate nations. "Without being tragic spectators, we will not have the insight required if we are to make life somewhat less tragic for those who . . . are hungry, and oppressed, and in pain" (Nussbaum 1996, 88). In order for political leaders to demonstrate [End Page 113] compassion, they should display the ability to imagine the lives led by members of the diverse groups that they themselves lead.

## 1AR v Disads

### 1AR v Diversity

#### Their McGill evidence concludes that at top-tier colleges minority enrollment has *dropped* because of structural conditions.

McGill ’15, [Andrew Mcgill(), The Share of Black Students at Top Universities Has Been Stagnant for 20 Years, Atlantic, 11-23-2015, 15, https://www.theatlantic.com/politics/archive/2015/11/black-college-student-body/417189/, 2-19-2017. SK]

Over the past 20 years, black enrollment in colleges and universities has skyrocketed. It’s a huge success story, one that’s due to the hard work of black families, college admissions officers, and education advocates. But **at top-tier universities in the United States**, it’s a different story. There, **the share of students who are black has actually dropped since 1994.** Among the 100-odd “very high research activity” institutions scored by Indiana University’s Center for Postsecondary Research, most saw their percentage of black undergraduates shrink between 1994 and 2013, the product of modest growth in black enrollment amid a much more rapid expansion of students on campus, according to data collected by the U.S. Department of Education. Next America: Higher Education Understanding the opportunity and achievement gaps in U.S. universities Read more **This list includes** not only Ivy League schools and selective private colleges, but also **many large public universities**, including UCLA, Florida State, and the University of Michigan. Meanwhile, other institutions of higher education—including speciality schools, baccalaureate programs, and colleges that primarily offer associate degrees—have seen black representation increase, sometimes dramatically. This statistic put the recent campus discussions on race in a different light: less a spontaneous uprising of discontent, and more an inevitability. “When you already have an issue around inclusion ... these incidents of late heighten that perception and confirm that perception,” said Tyrone Howard, an associate dean for equity and inclusion at UCLA and director of the university’s Black Male Institute. “It gives some students of color some pause—do I really want to go to a place that, at least from the optics, suggests they’re not inclusive?” Since 1994, black enrollment has doubled at institutions that primarily grant associate degrees, including community colleges. In 2013, black students accounted for 16 percent of the student body there, versus 11 percent in 1994. Universities focusing on bachelor’s, master’s, and doctoral degrees also broadly saw gains, with blacks making up 14 percent of the population, compared to 11 percent in 1994. But **at top-tier universities, black undergraduate populations average 6 percent, a statistic that has remained largely flat for 20 years**. (It’s less than half of what their share of the population might suggest; the Census reports that 15 percent of Americans between the ages of 20 and 24 are black.) While some schools have had success—the University of Missouri’s main campus has actually increased its black share by 3 percentage points since 1994—the median school barely budged. (At Harvard, for example, 6.5 percent of undergraduates were black in 2013, down from 7.4 percent in 1994.) Researchers say **top-tier** schools have left black students behind in their push for ever-more-selective admission rates. Many **rely heavily on measures that disadvantage minority students, including standardized test scores.** The greater emphasis on such criteria has left high school counselors in predominantly black schools underprepared to respond. And tighter admissions may have prompted high school counselors to steer black students toward less selective schools. “Those schools don’t have as much support around college prep as they should. As a result, those students are woefully in the dark about their college options,” Howard said. “If a student shows he or she has a profile that would be considered at UCLA or Berkeley, if no one at the school or a counselor or an administrator helps the student to recognize it, that student shoots for a [less-selective] state school instead.” But simply admitting more black students isn’t enough. Persistently lower graduation rates among black students show that promising enrollment numbers alone won’t build an inclusive campus. **The curriculum matters**, academics say, as does support. **So does the diversity of the faculty**. “Even at places that are impressively diverse, students still feel very much on the fringes,” said Shaun Harper, a professor in the Graduate School of Education at the University of Pennsylvania and executive director of the Center for the Study of Race and Equity in Education. “Simply having more students of color on a college campus does not ensure that they are going to feel included and respected.” There’s no question that top-tier schools are becoming more diverse. White students made up 58 percent of the student body in 2013, down from 72 percent in 1994. Universities have also recruited more Hispanics, the United States’ largest minority group. But indifference to black students isn’t an issue colleges can afford to take lightly. “**Young black folks are** refusing alteration or the mollification of conformity and are **simply demanding justice**,” the New York Times columnist Charles Blow recently wrote. And the numbers are their side. SK

Impacts:

1. Aff does not uniquely cause the impact – alt causes prove link is very minimal which is defense to the impact
2. Turns uniqueness for the disad – they cause their impact more in the squo
3. Turn – demanding justice through free speech matters – allows for changes to the squo – its try or die for the aff.

### 1AR v Fraternities

**The nc will not be doing anything but letting speech codes worsen**

**ACLU,** American Civil Liberties Union, 17, ["Hate Speech on Campus", https://www.aclu.org/other/hate-speech-campus] MJC 1-8-2017

Many universities, under pressure to respond to the concerns of those who are the objects of hate, have adopted codes or policies prohibiting speech that offends any group based on race, gender, ethnicity, religion or sexual orientation. That's the wrong response, well-meaning or not. The First Amendment to the United States Constitution protects speech no matter how offensive its content. **Speech codes adopted by government-financed state colleges and universities amount to government censorship, in violation of the Constitution.** And the ACLU believes that all campuses should adhere to First Amendment principles because **academic freedom is a bedrock of education in a free society.** How much we value the right of free speech is put to its severest test when the speaker is someone we disagree with most. Speech that deeply offends our morality or is hostile to our way of life warrants the same constitutional protection as other speech because the right of free speech is indivisible: When one of us is denied this right, all of us are denied. Since its founding in 1920, the ACLU has fought for the free expression of all ideas, popular or unpopular. That's the constitutional mandate.  Where racist, sexist and homophobic speech is concerned, the ACLU believes that **more speech** -- not less -- **is the best** revenge. This is particularly true at **universities**, whose mission is to **facilitate learning through open debate and study, and to enlighten.** Speech codes are not the way to go on campuses, where all views are entitled to be heard, explored, supported or refuted. Besides, **when hate is out in the open, people can see the problem**. Then they **[and] can organize effectively to** **counter** bad attitudes, possibly change them, and forge solidarity against the forces of intolerance.

**Any censorship via speech codes only makes it harder to resolve fraternity harms more and more as the aff is the only way to solve this by utilizing pedagogical discussion. Since the Neg is a cyclical worsening, this is a net benefit to the Aff**

**And, the harms they detail will not happen by doing the Aff. Action can and is taken by universities to stop this**

**Burnley 15 Willie Burnley Jr, Emerson College, USA TODAY College, 3-20-2015, ["Viewpoint: Not only was the SAE student expulsion legal, it was right", http://college.usatoday.com/2015/03/20/not-only-was-the-sae-student-expulsion-legal-it-was-right/] MJC 1-8-2017**

**After the 10 second video of the fraternity brothers singing a racist song that advocated lynching African-Americans**, rather than accepting them, went viral, **the fraternity’s national organization disbanded the Kappa Chapter of OU’s SAE fraternity and race issues among predominantly white Greek organizations have been spotlighted**. But what has made recent headlines was **the expulsion of the two students leading the chant by OU President David Boren** and questions of legality surrounding the student’s first amendment right to free speech. **According to OU’s Student Rights and Responsibilities Code, abusive conduct is listed as: “Unwelcome conduct that is sufficiently severe and pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, harassing or humiliating. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating…Simple teasing, offhanded comments and isolated incidents (unless extremely serious) will not amount to abusive conduct.”**  **According to these rules, the students could be sanctioned with expulsion. In SAE’s video, abusive language was being directed toward a particular group of students (i.e. African-Americans who wanted to pledge their fraternity).** That chant was more than just a casually recited song meant to invoke a sense of brotherhood amongst those in the chapter. And the meaning and significance behind the words in the chant did more than just offend a few students. As Boren mentioned, **the attack on black people that SAE alluded to could make students feel unsafe in a learning environment. After numerous unarmed black teenagers’ experienced deadly force at the hands of white law enforcement, students may feel intimidated by verbal attacks from white students.**

**Public Universities have these clauses due to the nature and requirement of public institutions. This nullifies the disad.**

Link to Oppression

This continues a system of misogyny, racism and homophobia

Casey Quinlan, ThinkProgress, 2-22-2016, ["Fraternities Were Built On Racism. So Why Are We Surprised When They Do Racist Things?", https://thinkprogress.org/fraternities-were-built-on-racism-so-why-are-we-surprised-when-they-do-racist-things-70db8f20aeec] dpd 1-11-2017

Fraternities may perpetuate a particularly toxic environment for marginalized students — especially because, unlike other kinds of student groups on campus, fraternities tend to enjoy certain privileges that shield them from serious consequences when racist, homophobic, and misogynist acts do take place.

More attention has been drawn to racism at fraternities recently after Sigma Alpha Epsilon made national news when an entire bus full of members of its University of Oklahoma chapter began singing and laughing along with a racist song, filled with racial slurs and references to lynching, about never admitting black students to the fraternity. Later that year, SAE’s Yale chapter was reportedly also responsible for enforcing a “white-women only” policy at their fraternity parties. Other frats have gotten bad press after leaked emailsreveal racist and misogynist conversations among brothers, or after they’ve thrown frat parties relying on racist stereotypes. It’s rare that universities close chapters and suspend members, such as in the case of the University of Oklahoma’s SAE chapter.

### 1AR v Rev Porn

No link, Revenge porn is not constitutionally protected

**Harrison 17** Anne Harrison, University of Iowa, 2017, ["Revenge Porn: Protected by the Constitution?", https://jgrj.law.uiowa.edu/article/revenge-porn-protected-constitution] MJC 1-6-2017

Because the anti-revenge-porn criminal statutes at issue are content-based speech restrictions, the State has the burden of showing they meet strict scrutiny. **While content-based speech restrictions are presumptively invalid**, [legal scholars argue](http://blog.bennettandbennett.com/2013/10/are-statutes-criminalizing-revenge-porn-constitutional.html) that the Supreme Court has held “where matters of purely private significance are at issue, First Amendment protections are less rigorous.” One scholar on the subject posited that such **[anti-revenge porn] laws are** likely **to be upheld because the specific nude pictures involved “have nothing to do with public commentary about society.”** There is some support for the notion that the laws will be upheld as cyber-stalking laws have not been found to violate the First Amendment.

Because they do not fall in the realm of speech restriction legislation/codes and are not upheld by the first admendment, the negative imapcts are now non-unique

And, revenge porn is already criminalized in 34 states and the legislation is only increasing.

Revenge porn, also known as nonconsensual pornography, is the distribution of one or more sexually explicit photos of someone else, without the subject’s permission. The photo may be one that the victim took herself and naively shared with the eventual poster, a photo taken by someone else (usually an ex-boyfriend or lover), or an image taken from the victim’s computer or device by a hacker. The victims are overwhelmingly female, and the damage done to their reputations and psyches can be enormous. **States are increasingly passing targeted legislation that criminalizes** such conduct**,[revenge porn] including New Jersey, California, Idaho, Utah, and Wisconsin [and 29 others]**, but some have not done so. In the latter group, victims rely on various related criminal statutes to prosecute the perpetrators. A couple of federal laws may apply, and targeted federal legislation is in the works. In addition, a variety of civil responses are available to the determined victim.

The PIC is non-unique entirely. We are not triggering anything, and no matter what the laws in place will resolve any issues that could possible arise

### 1AR v Endownments

1. The DA only constitutes a minor loss in funds for schools (they still have state/federal/etc) and their evidence only names a few donors who have dropped out, while mine is in the context of the educational environment created on every college due to any speech restrictions. Outweighs on specificity and scope.
2. But, even if you don’t buy that 🡪 NO LINK. Most public colleges don’t have endowments and those that do have tiny ones – the impact is negligible

ACE 14 (American Council on Education, “Understanding Colleges and University Endowments”, http://www.acenet.edu/news-room/Documents/Understanding-Endowments-White-Paper.pdf, EmmieeM)  **VT**

While public attention focuses primarily on the relatively small number of colleges and universities with large endowments, most colleges and universities have only modest endowments or none at all. Although some public universities’ endowments rank among the largest, most public institutions have only nominal endowments or none at all(although they may receive significant state subsidies, which typically are not available to private colleges and universities). As of fiscal year 2012, 53 percent of four- and two-year private nonprofit colleges and universities had endowments of less than $10 million. The median endowment at private colleges and universities is roughly $7.9 million, which at a typical spending rate of about 4 percent to 5 percent would support an annual expenditure of between $316,000 and $340,000. Of the nation’s approximately 4,000 public and private nonprofit colleges and universities, only 657—or about 16 percent—had endowments over $50 million. Only 62 institutions (1.6 percent of all colleges and universities) had endowments exceeding $1 billion. Of these, 46 were private and 16 were public.

**Prefer:**

1. **Outweighs on scope -> Looks at all public colleges in the U.S**
2. And, their focus on the power of money subscribes to a system of capitalism. Capitalism undermines democratic politics. Richard Wolff ‘12

Wolff 13 (Richard Wolff, Truthout, 1-10-2013, ["When Democracy Is Trumped by the Excesses of Capitalism", http://www.truth-out.org/progressivepicks/item/13812-when-democracy-is-trumped-by-the-excesses-of-capitalism] MJC 1-8-2017

What happens if we shift our focus from economics to politics? Politics in the United States has become utterly dependent on and corrupted by financial contributions to candidates, political parties, lobbyists, think tanks, and special committees, recently further enabled by the Citizens United Supreme Court decision. The disparity of interests between capitalists and workers and the disparity of the concentrated resources they can and do devote to supporting their favored positions, politicians, and parties undermine a democratic politics. In fact we must question the very possibility of genuine democ-racy in a society in which capitalism is the basic economic system. A functioning democracy would require that all people be provided with the time, information, counsel, and other supports needed to participate effectively in decision -making in the workplace and at the local, regional, and national levels of their residential commu-nities. The economic realities of capitalism preclude that for the overwhelming majority of workers, in stark contrast to corporate directors, top managers, their professional staff, and all those with significant incomes from property (above all, their property in shares of capitalist enterprises). Such persons also have concentrated wealth in the forms of their entcrpriscs' sot-pious and/or their per sonal property that they can donate to their preferred representa-tives among the society's major institutions, parties, and candidates. The political leadership created through such networks in turn ad-vances these groups' interests in a capitalist system that rewards them richly. Only a highly mobilized and coordinated organization of the workers could hope to secure the financial resources that might begin seriously to contest the political power of capitalists' money by combining very small contributions from a very large number of donors. This possibility has sufficiently concerned cap-italist interests that they have devoted enormous resources to sus-taining opposition to workers' organizations. That opposition helped to produce the last fifty years' decline in US labor union membership as a percentage of workers and of political parties =eking to =present workers' interests against those of capitalists. It is important to note that combinations and coalitions of cor-porate directors, top manager, large shareholder, and their various professional staffs hate often used their financial resources in smug-gles among themselves. These groups have and pursue some con-flicting in Howe r, their struggles do not blind them to common in in securing the political conditions of the capi-talist economic system. Thus they worked together to secure the assive US government intervention to overcome the capitalist cri-sims that hit in 2007, even though the bailouts went more to some firms and industries than to others. SimiLady, they nearly all endorsed the refusal of the Bush and Obama administrations to undertake a federal hiring program to slash unemployment, even though firms and industries would be differently affected by such a program.

1. Neoliberalism is a conceptual framework that has to be challenged at the level of scholarship.

Farah Godrej, Political Science at UC Riverside, 2013, ["Neoliberalism, Militarization and the ‘Price’ of Dissent: Policing Protest at the University of California,", http://politicalscience.ucr.edu/people/faculty/godrej/] MJC 1-8-2017I have offered here a particular window into the ways in which the interests, mechanisms, and operations of both the university system and the neoliberal state are aligned with those of private capital. Of course, that the academy is made to strategically ally with capital as a key piece of neoliberal consolida- tion should not surprise us. Rather, what is worth noting, I have argued here, is the necessity of the linkages between disinvestment in public education, militarization, and the criminalization of dissent. These necessary link- ages demonstrate this volume’s premise that the university is an institution embedded in the hierarchies and inequalities of U.S. racial, gender, and class politics and shed light on the confluence of military and industrial interests as they appear within the U.S. university. I have sought also to emphasize the systematicity and multilayered complexity of this phenomenon. That is, the various pieces of this picture necessarily go together, as rhetoric, law, bureaucracy, and the force of arms all combine effectively to produce the desired end.¶ The neoliberal logic entailed in the privatization of the University of Cal- ifornia is, I have argued, necessarily interlinked with the logic of militari- zation and the criminalization of dissent, because it employs a militarized enforcement strategy, coupled with a political rhetoric that criminalizes the specific behaviors involved in protest and dissent against these strate- gies. The militarization of the university campus is thus not simply a reflec- tion of the increasing militarization of American law enforcement based on the logic of ongoing threats to public safety encoded in years of the War on Drugs and the War on Terror.25 Rather, such militarization is one prong of a necessary enforcement strategy designed to convey that dissent against privatization is meant to be costly in inflicting various forms of legitimized violence upon those who dissent. The second prong of the enforcement strategy also conveys that dissenters will pay a high price by being criminal- ized, either through rhetoric that paints them as violent and therefore mar- ginal, unworthy, and undesirable in the public imagination or through legal machinations that force them to expend tremendous financial resources on extricating themselves from prosecution.¶ The language of cost and price here, of course, reminds us of the ongo- ing hegemony—and perhaps victory—of the conceptual frameworks of neoliberalism and its theoretical accompaniments, such as rational choice theory, predominantly featured in neoclassical economics. These strategies of criminalization and militarization rest on sending signals to adversaries, encoded precisely in these languages, wherein value and worth are measured in terms of indicators such as price or cost, and rational actors are assumed to be guided by a universally comprehensible incentive structure. Thus the strategies of criminalization and militarization rest on de-incentivizing dis- sent, so to speak, assuming that dissenters will measure the costs inherent in their actions and choose rationally to cease from engaging in such dissent. The continued insistence on dissent is therefore resistance to the logic of neoliberal privatization on multiple levels: it not only calls out the complic- ity of the university with the neoliberal state and the forces of private capital but also continues to dissent despite the “incentives” offered in exchange for desisting from dissent. And in so doing, it should be signaling its rejection not simply of privatization but of the entire conceptual baggage of neolib- eralism, including its logics of rational choice, cost, price, and incentive, as well as its logic of structural violence. In other words, the ongoing struggle against the logic of neoliberal privatization requires that dissent continue, despite its high “price.”¶

### 1AR v Hate Speech

The only way to challenge hate speech is without speech codes

**ACLU,** American Civil Liberties Union, 17, ["Hate Speech on Campus", https://www.aclu.org/other/hate-speech-campus] MJC 1-8-2017

Many universities, under pressure to respond to the concerns of those who are the objects of hate, have adopted codes or policies prohibiting speech that offends any group based on race, gender, ethnicity, religion or sexual orientation. That's the wrong response, well-meaning or not. The First Amendment to the United States Constitution protects speech no matter how offensive its content. **Speech codes adopted by government-financed state colleges and universities amount to government censorship, in violation of the Constitution.** And the ACLU believes that all campuses should adhere to First Amendment principles because **academic freedom is a bedrock of education in a free society.** How much we value the right of free speech is put to its severest test when the speaker is someone we disagree with most. Speech that deeply offends our morality or is hostile to our way of life warrants the same constitutional protection as other speech because the right of free speech is indivisible: When one of us is denied this right, all of us are denied. Since its founding in 1920, the ACLU has fought for the free expression of all ideas, popular or unpopular. That's the constitutional mandate.  Where racist, sexist and homophobic speech is concerned, the ACLU believes that **more speech** -- not less -- **is the best** revenge. This is particularly true at **universities**, whose mission is to **facilitate learning through open debate and study, and to enlighten.** Speech codes are not the way to go on campuses, where all views are entitled to be heard, explored, supported or refuted. Besides, **when hate is out in the open, people can see the problem**. Then they **[and] can organize effectively to** **counter** bad attitudes, possibly change them, and forge solidarity against the forces of intolerance.

Impact Calc-This is a reason to vote aff, as we have the only method to resolve hate speech, and speech codes create the cyclic impact of censorship which only worsens problems and harms pedagogical spaces. These are two net benefits to the aff.

The use of Student Government perpetuates biases that favor fraternities and denigrates minorities: Fraternity speech and racist speech will continue without abandon

Aftab Ali, Independent, 2-19-2016, ["A video on ‘bias’ within the US ‘Greek house system’ is going viral", http://www.independent.co.uk/student/news/university-of-florida-student-claims-student-government-is-biased-against-non-greek-house-members-in-a6881711.html] dpd 1-11-2017

“Through massive Greek mobilisation and voter suppression, the [Greek] system has been able to control Student Government at the University of Florida for decades. This system is damaging to everyone involved, except for its elite. Students are not given the opportunity to pursue positions based on their merit, but rather must rest on their laurels.”

Philipp goes on to claim minority students on campus are “lumped together into what’s called ‘the communities’.” She adds: “Preference for organisation titles and positions is given to Greek students. Anyone with a conscience knows that it is morally wrong to divide people on the basis of race or Greek affiliation.”

### 1AR v Revenge Porn

Revenge porn is already being federally solved, as numerous scholars have confirmed it is not protected by the First Amendment

Mary Anne Franks, Professor of law at the University of Miami School of Law, Providence Journal, December 21, 2016, ["Mary Anne Franks: Revenge porn is not free speech”, http://www.providencejournal.com/opinion/20161221/mary-anne-franks-revenge-porn-is-not-free-speech, 1-11-2017] JMS

Some First Amendment experts do not agree. Shortly after the governor's veto, a federal bill was introduced in Congress that, much like the Rhode Island bill, prohibits the unauthorized disclosure of private, sexually explicit images. Several notable First Amendment scholars, including Prof. Erwin Chemerinsky, confirmed its constitutionality. As Professor Chemerinsky stated, "The First Amendment does not protect a right to invade a person's privacy by publicizing, without consent, nude photographs or videos of sexual activity."

### 1AR v Restricting Speech Works

Turn: Restricting hate speech to protect its victims—usually minorities—actually more often harms than helps them.

American Civil Liberties Union, 2016, ["Hate Speech on Campus", https://www.aclu.org/other/hate-speech-campus] EW 12-31-2016

Historically, defamation laws or codes have proven ineffective at best and counter-productive at worst. For one thing, depending on how they're interpreted and enforced, they can actually work against the interests of the people they were ostensibly created to protect. Why? Because the ultimate power to decide what speech is offensive and to whom rests with the authorities -- the government or a college administration -- not with those who are the alleged victims of hate speech. In Great Britain, for example, a Racial Relations Act was adopted in 1965 to outlaw racist defamation. But throughout its existence, the Act has largely been used to persecute activists of color, trade unionists and anti-nuclear protesters, while the racists -- often white members of Parliament -- have gone unpunished. Similarly, under a speech code in effect at the University of Michigan for 18 months, white students in 20 cases charged black students with offensive speech. One of the cases resulted in the punishment of a black student for using the term "white trash" in conversation with a white student. The code was struck down as unconstitutional in 1989 and, to date, the ACLU has brought successful legal challenges against speech codes at the Universities of Connecticut, Michigan and Wisconsin. These examples demonstrate that speech codes don't really serve the interests of persecuted groups. The First Amendment does. As one African American educator observed: "I have always felt as a minority person that we have to protect the rights of all because if we infringe on the rights of any persons, we'll be next."

### 1AR v Exclude White People

1. Zero solvency – supreme court will use the equal protection clause to roll back intentionally discriminatory laws regardless of racial identity.

Nathaniel Persily, James B. McClatchy Professor of Law, Stanford Law School, Stanford, California., American Bar Association Vol. 31 No. 6, Nov/Dec 2014 ["The Meaning of Equal Protection: Then, Now, and Tomorrow", http://www.americanbar.org/publications/gp\_solo/2014/november\_december/the\_meaning\_equal\_protection\_then\_now\_and\_tomorrow.html] bcr 1-6-2017

This seemingly semantic difference can make all the practical difference in the world. Affirmative action provides the most glaring example. Those who view the Equal Protection Clause primarily in terms of its anti-subordination purpose—that is, to protect historically disadvantaged and powerless groups from more privileged and powerful ones—would not treat discrimination against whites the same as discrimination against African Americans. On the other hand, those who read into the Equal Protection Clause a rule of colorblindness consider any racial classification—regardless of the race of the plaintiff—to be inherently suspect and only justifiable by the most important rationales.To a large extent the classification-based approach has won out. Although the Court has left open the door for some forms of affirmative action, given the importance of promoting diversity and targeted compensation for past discrimination, it has reiterated the rule that the constitutional standard should not vary based on the racial group benefited or burdened by the classification. And while this approach is often seen as the conservative approach to Equal Protection, it was none other than Ruth Bader Ginsburg, as a lawyer for the Women’s Rights Project at the American Civil Liberties Union (ACLU), who strategically brought cases to the Court on behalf of men to highlight the irrationality of gender-based classifications. Nevertheless, from time to time, and perhaps especially in recent years, we also see the Court’s concern for certain classes of people peeking through. The concerns that the Court has expressed for children of illegal immigrants, people with disabilities, or for gays and lesbians have arisen from particular concerns about laws imposing unique and irrational costs on discrete groups of people. Operationalizing Equal ProtectionThis preference for classifications over classes is characteristic of a set of similar judgments in which the Court operationalizes its interpretation of the Equal Protection Clause. (Professor Mitchell Berman of the University of Pennsylvania School of Law describes these as “constitutional decision rules.”) The now well accepted approach to limit Equal Protection to intentional discrimination is of a similar type. Nothing in the wording of the Equal Protection Clause would suggest such a limit. The Court could have gone in a very different direction in a series of cases in the 1970s and developed rules for prohibited discrimination that did not rely, in effect, on reading the minds of decision makers responsible for discriminatory state action. Indeed, Congress went in such a direction when it enacted and then amended Title VII of the Civil Rights Act to establish a system of burden shifting when certain policies have a discriminatory impact, regardless of purpose.

1. The premise of their link is faulty – white experiences must be evaluated from an intersectional lense.

Jamie Utt, Everyday Feminism, 1-31-2016, PhD candidate @ University of Arizona - Bachelor’s of Arts in Peace and Global Studies from Earlham College where he dedicated his studies to conflict resolution and Middle Eastern Peace Studies. ["3 Examples That Show Even White Privilege Needs to be Viewed Intersectionally", http://everydayfeminism.com/2016/01/white-privilege-intersectional/] bcr 1-6-2017

But privilege doesn’t function as a monolith; White privilege isn’t the same for every White individual and doesn’t function in the same way, to the same degree, for all White people. However, all White people experience racial privilege. Full stop. Our privileges, though, are complicated by other aspects of our identity that intersect with our Whiteness. Intersectionality is a complex idea, but part of it means that when we are discussing someone’s class or ableist oppression, we must consider those things in the context of other areas where they might be marginalized as well as where they might be privileged. Almost forty years ago, Derrick Bell wrote of the “interest convergence dilemma,” whereby institutional change toward ending racial oppression doesn’t often take place until White people see it in their best interest despite the incredible work of activists of Color. As a White activist who sees the liberation of those I love, as well as my own liberation, as tied up in realizing intersectional racial justice, what Bell’s work says to me is that I have a responsibility to find new ways of engaging White people, of helping White people understand our own interests in realizing racial justice and in divesting from Whiteness. And that’s the idea of collective liberation! Everyone with privilege has a choice to divest from systems of privilege and to join movements led by oppressed and marginalized people. When those movements are intersectional, then working in concert with others means that we are also working for our own liberation.

1. Lashout DA – purposely isolating white nationalism fuels a persecution complex that turns case.

Briana L. Urena-Ravelo, Medium, 8-15-2016, Writer. Community organizer. Errant punk. Ne’er do well. Afro-Dominicana. High Hex Femme. ["Christian fundamentalists: you’re not persecuted, you’re just white", https://medium.com/@AfroResistencia/christian-fundamentalists-youre-not-persecuted-you-re-just-white-32c94dbf42f4] bcr 1-6-2017

This is all exacerbated by the fact that in this country, white people equate being a literal minority in regards to population to being institutionally marginalized. If you are a Quiverfull Christian, believe in The Rapture, read and take the Bible literally, are a complementarian and/or or very strictly anti-LGBTQ, anti-women and anti-reproductive health care rights, increasingly, you are most definitely going to be in the minority. But that’s because being small-minded, moralizing and judgmental towards people who don’t look, worship and believe exactly like how you think they should is definitely going to make you unpopular and isolate you socially because you’re being an ideologically sever, overly-zealous jerk, and no one likes that. It doesn’t mean you’re marginalized. You freely choose to hate gay people, have your women and girls wear long skirts, home-school and abuse children and have a bunch of babies you name shit like Josiah and Faith and Hope, that doesn’t mean you’re socially oppressed. If anything, in a world that punishes and demonizes people of color for having lots of children, trying to create or sustain sovereign nations or being orthodox or Conservative, White Christians have a lot of privilege in the ways that they isolate themselves from mainstream secular culture and create their own private communities that they do not let the government or others outside, even non-fundamentalist family members, dictate or look over.

I saw the White Fundamentalist Christian Persecution Complex used to commit and justify real persecution against marginalized communities at the hands of white people who, having seen themselves as Christian before seeing themselves as white, then compared themselves to oppressed global Christians, which the Atlantic article mentions. The author writes that Christians with “global perspective on their faith rightly identify themselves as part of a persecuted people in the 21st century.” However, that mentality is colonialist, fetishizing and white supremacist. It is used to further fuel an out-of-touch, misguided ideas of global south folks and a sense of oppression while ignoring the real oppressions White Christians commit and justify like mission trips to the global south and in poor communities and the often-exploitative Christian Adoption industry. The dynamics in those nations where non-Western Christians are persecuted are very different and far too complex and Western, especially white, Christians don’t have a right to claim those narratives for themselves, even if they wish to ally themselves with and support th

### 1AR v Trigger Warnings

1. ANY restriction on free speech silences critical dialogue and limits the ability of students to actively portray their thoughts – this means the disad only harms the engagement of marginalized individuals

Professors already use trigger warnings – empirics prove.

**Kamentez in ’16** Anya Kamenetz, NPR.org, 9-7-2016, ["Half Of Professors In NPR Ed Survey Have Used 'Trigger Warnings'", http://www.npr.org/sections/ed/2016/09/07/492979242/half-of-professors-in-npr-ed-survey-have-used-trigger-warnings] AL 1-3-2017

We received more than 800 responses, and this month as the issue once again made headlines we followed up with some of those professors. Here are some of our key findings: About half of **professors said they've used a trigger warning in advance of introducing potentially difficult material. Most said they did so of their own volition, not because of a student's request or an administrative policy.** **This was** not a scientific sample, but **it's one of the larger and more representative polls to be published on the topic to date.** Our sample included 829 instructors of undergraduates. Just over half of our respondents, 53.9 percent, said they teach at public four-year institutions and 27 percent said they were at two-year institutions. **These instructors were overwhelmingly familiar with trigger warnings**: 86 percent knew the term and 56 percent said they had heard of colleagues who had used them. But only 1.8 percent said, as of last fall, that their institutions had any official policies about their use. Let's define terms. The term "trigger" in this sense originates in psychology, where it pertains to people with a diagnosis of post-traumatic stress disorder. For survivors of combat violence, sexual abuse or other trauma, certain sights, sounds, smells or other reminders can bring on intense emotional and even physical reactions, like a full-blown panic attack. In the media and elsewhere online, language similar to trigger warnings is often used more broadly to label material that concerns sexual abuse or sexual assault, that is potentially racially or politically offensive, or graphically violent or sexual. For example, [when NPR covered the fatal shooting](http://www.npr.org/sections/thetwo-way/2016/07/07/485066807/police-stop-ends-in-black-mans-death-aftermath-is-livestreamed-online-video) by police of Philando Castile, an African-American resident of the Minneapolis area, we included these words: "We'll embed the video here, with the warning that it contains images and language that viewers might find disturbing." But the rules are different in a college classroom than in a therapeutic setting, and both are different than when addressing a general audience. Even some of our respondents who had supplied a form of trigger warning as a "courtesy" or "heads-up" said they didn't intend to give students a free pass to avoid uncomfortable topics. In fact, the picture that emerges is of professors making private decisions within the four walls of the classroom. Only 3.4 percent said students had requested such a warning. Most instructors who told us they'd used trigger warnings — 64.7 percent — did so because, they said, "I thought the material needed one." So what are the types of material that are most likely to trigger a trigger warning? Our respondents were most likely to say they had used trigger warnings in reference to sexual or violent material. Racially, politically, or religiously charged topics were mentioned less often. "I have had students break down reading novels depicting sexual assault and incest in my gender studies courses," a professor at the University of North Carolina said in a survey response. Joanna Hunter, who teaches sociology at Radford University in Virginia, told NPR Ed last week that she has given a warning before explaining the practice of female genital mutilation, within the broader context of a discussion of cultural relativism. Lauren Griffith, a professor of ethnology at Texas Tech University, said that she gave warnings when teaching Native American students whose religious beliefs required that they undergo a form of ritual purification upon viewing images of death. However, she says, outside of such specific situations, she doesn't believe that trigger warnings best serve the cause of liberal education: "I think that **trigger warnings can and should be used in a limited number of situations, but overusing them can create a situation in which students opt out of learning experiences simply because they don't want to confront their own assumptions about the world."**

Implications:

1. We control uniqueness – the 1AC does not uniquely increase the amount of student marginalization
2. TURN – an overuse of trigger warnings can only mean the re-enforcement of hegemony in educational spaces as individuals are not given the ability to confront their own assumptions
3. TURN – excessive warnings can create a negative learning environment as students increasingly opt out of educational spaces
4. Professors already use trigger warnings – empirics prove.

**Kamentez in ’16** Anya Kamenetz, NPR.org, 9-7-2016, ["Half Of Professors In NPR Ed Survey Have Used 'Trigger Warnings'", http://www.npr.org/sections/ed/2016/09/07/492979242/half-of-professors-in-npr-ed-survey-have-used-trigger-warnings] AL 1-3-2017

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Turn - Trigger warnings are psychologically and pedagogically harmful.

**Lukianoff and Haidt in ’15** Greg Lukianoff and Jonathan Haidt, "How Trigger Warnings Are Hurting Mental Health on Campus," Atlantic, http://www.theatlantic.com/magazine/archive/2015/09/the-coddling-of-the-american-mind/399356/, September 2015. CC

However**,** there is a deeper problem with trigger warnings.According to the most-basic tenets of psychology**,** the very idea of helping people with anxiety disorders avoid the things they fear is misguided**.** A person who is trapped in an elevator during a power outage may panic and think she is going to die. That frightening experience can change neural connections in her amygdala, leading to an elevator phobia. If you want this woman to retain her fear for life, you should help her avoid elevators**.** But if you want to help her return to normalcy, you should take your cues from Ivan Pavlov and guide her through a process known as exposure therapy. You might start by asking the woman to merely look at an elevator from a distance—standing in a building lobby, perhaps—until her apprehension begins to subside. If nothing bad happens while she’s standing in the lobby—if the fear is not “reinforced”—then she will begin to learn a new association: elevators are not dangerous. (This reduction in fear during exposure is called habituation.) Then, on subsequent days, you might ask her to get closer, and on later days to push the call button, and eventually to step in and go up one floor. This is how the amygdala can get rewired again to associate a previously feared situation with safety or normalcy. Students who call for trigger warnings may be correct that some of their peers are harboring memories of trauma that could be reactivated by course readings. But they are wrong to try to prevent such reactivations. Students with PTSD should of course get treatment, but they should not try to avoid normal life, with its many opportunities for habituation. Classroom discussions are safe places to be exposed to incidental reminders of trauma (such as the word violate). A discussion of violence is unlikely to be followed by actual violence, so it is a good way to help students change the associations that are causing them discomfort. And they’d better get their habituation done in college, because the world beyond college will be far less willing to accommodate requests for trigger warnings and opt-outs. The expansive use of trigger warnings may also foster unhealthy mental habits in the vastly larger group of students who do not suffer from PTSD or other anxiety disorders**.** People acquire their fears not just from their own past experiences, but from social learning as well. If everyone around you acts as though something is dangerous—elevators, certain neighborhoods, novels depicting racism—then you are at risk of acquiring that fear too. The psychiatrist Sarah Roff pointed this out last year in an online article for The Chronicle of Higher Education. “One of my biggest concerns about trigger warnings,” Roff wrote, “is that they will apply not just to those who have experienced trauma, but to all students, creating an atmosphere in which they are encouraged to believe that there is something dangerous or damaging about discussing difficult aspects of our history.”In an article published last year by Inside Higher Ed, seven humanities professors wrote that the trigger-warning movement was “already having a chilling effect on [their] teaching and pedagogy.” They reported their colleagues’ receiving “phone calls from deans and other administrators investigating student complaints that they have included ‘triggering’ material in their courses, with or without warnings.” A trigger warning, they wrote, “serves as a guarantee that students will not experience unexpected discomfort and implies that if they do, a contract has been broken.” When students come to expect trigger warnings for any material that makes them uncomfortable, the easiest way for faculty to stay out of trouble is to avoid material that might upset the most sensitive student in the class.

Turn - Trigger warnings shut down dialogue and argumentation and privatize discussion.

**Fillipovic in ’14** Jill Filipovic, "We've gone too far with 'trigger warnings'," Guardian, http://www.theguardian.com/commentisfree/2014/mar/05/trigger-warnings-can-be-counterproductive, March 5, 2014. CC

College, though, is different. It is not a feminist blog. It is not a social justice Tumblr. College isn't exactly the real world either, but it's a space for kinda-sorta adults to wade neck-deep into art, literature, philosophy, and the sciences, to explore new ideas, to expand their knowledge of the cultural canon, to interrogate power and to learn how to make an argument and to read a text. It is, hopefully, a space where the student is challenged and sometimes frustrated and sometimes deeply upset, a place where the student's world expands and pushes them to reach the outer edges – not a place that contracts to meet the student exactly where they are. Which doesn't mean that individual students should not be given mental health accommodations. It's perfectly reasonable for a survivor of violence to ask a professor for a heads up if the reading list includes a piece with graphic descriptions of rape or violence, for example. But generalized trigger warnings aren't so much about helping people with PTSD as they are about a certain kind of performative feminism: they're a low-stakes way to use the right language to identify yourself as conscious of social justice issues. Even better is demanding a trigger warning – that identifies you as even more aware, even more feminist, even more solicitous than the person who failed to adequately provide such a warning. There is real harm in utilizing general trigger warnings in the classroom. Oberlin College recommends that its faculty "remove triggering material when it does not contribute directly to the course learning goals". When material is simply too important to take out entirely, the college recommends trigger warnings. For example, Oberlin says, Chinua Achebe's Things Fall Apart is a great and important book, but: … it may trigger readers who have experienced racism, colonialism, religious persecution, violence, suicide, and more. Students should be duly warned by the professor writing, for example, "Trigger warning: This book contains a scene of suicide." On its face, that sounds fine (except for students who hate literary spoilers). But a trigger warning for what Oberlin identified as the book's common triggers – racism, colonialism, religious persecution, violence, suicide (and more!) – sets the tone for reading and understanding the book. It skews students' perceptions. It highlights particular issues as necessarily more upsetting than others, and directs students to focus on particular themes that have been singled out by the professor as traumatic. At Rutgers, a student urged professors to use trigger warnings as a sort of Solomonic baby-splitting between two apparently equally bad choices: banning certain texts or introducing works that may cause psychological distress. Works the student mentioned as particularly triggering include F Scott Fitzgerald's The Great Gatsby, Junot Diaz's This Is How You Lose Her and Virginia Woolf's Mrs Dalloway. The warnings would be passage-by-passage, and effectively reach "a compromise between protecting students and defending their civil liberties". But the space between comfort and freedom is not actually where universities should seek to situate college students. Students should be pushed to defend their ideas and to see the world from a variety of perspectives. Trigger warnings don't just warn students of potentially triggering material; they effectively shut down particular lines of discussion with "that's triggering".Students should – and do – have the right to walk out of any classroom. But students should also accept the challenge of exploring their own beliefs and responding to disagreement. Trigger warnings, of course, don't always shut down that kind of interrogation, but if feminist blogs are any example, they quickly become a way to short-circuit uncomfortable, unpopular or offensive arguments.

That reinforces the public/private dichotomy which exacerbates exclusion of voices.

**MacKinnon in ’89** MacKinnon, Catherine A. *Toward a feminist theory of the state*. Harvard University Press, 1989.

Privacy doctrine is an ideal vehicle for this process. The liberal ideal , of the private holds that, so long as the public does not interfere, autonomous individuals interact freely and equally. **Privacy is** the ultimate value of the negative state. Conceptually, this private is hermetic.)t means that which is inaccessible to, unaccountable to, unconstructed by, anything beyond itself.. By definition, it is not part of or conditioned by anything systematic outside it. It is personal, intimate, autonomous, particular, individual, the original source and final outpost of the self, gender neutral. It is defined by everything that feminism reveals women have never been allowed to be or to have , and by everything that women have been equated with and defined in terms of men's ability to have. To complain in public of inequality within the private contradicts the liberal definition of the private. lin the liberal view, no act of the state contributes to shaping its internal alignments or distributing its internal forces, so no act of the state should participate in changing it,'Its inviolability by the state, framed as an individual right, presupposes that the private is not already an arm of the state. In this scheme, intimacy is implicitly thought to guarantee symmetry of power. Injuries arise through violation of the private sphere, not within and by and because of it. In private, consent tends to be presumed. Showing coercion is supposed to void this presumption. But the problem is getting anything private to be perceived as coercive. In law, **the private is fundamentally an angle of vision, a way of seeing from the point of view of power, attached later to a place or quality of being** . It sees so as to surround power with a sacred circle of impunity. Private is what men call the damage they want to be permitted to do as far as their arms extend to .,homever they do not want permitted to fight back. **Epistemically**, in gender terms, it means that **male force is invisible. When aggression occurs, what is seen is consent.** Privacy seems to stick to white upper-class men and follow them into the world, forfeited only under unusual conditions, while **consent seems to stick to women.** As interpretation, **when what men do is private, their aggression is not seen at all, and women are seen to consent to it.** It is not that this is never overcome, but rather that there is something there that must be overcome in order for force to be seen as force. This epistemic problem explains why privacy doctrine is most at home at home, the place women experience the most force, in the family, and why it centers on sex. Why a person would "allow" force in private (the "why doesn't she leave" question raised to battered women) is a question given its insult by the social meaning of the private as a sphere of choice. For women the measure of the intimacy ha·s been the measure of the oppression. This is why feminism has had to explode the private. This is why feminism has seen the personal as the political. The private is public for those for whom the personal is: political In this sense , for women there is no private , either normatively or empirically. Feminism confronts the fact that women have no privacy to lose or to guaratee. Women are not inviolable. Women's sexuality is not only violable, it is-hence, women are­ seen in and as their violation. To confront the fact that women have no privacy is to confront the intimate degradation of women as the public order. The doctrinal choice of privacy in the abortion context thus reaffirms and reinforces what the feminist critique of sexuality criticizes: the public/private split. The political and ideological underpinning of privacy as a legal doctrine is continuous with the concrete consequences of the public/private split for the lives of women; In this ' light, the abortion funding ruling appears consistent with the larger meaning of the original granting of the abortion right.

Turn - Trigger warnings recreate hierarchies of trauma – categorize survivors as weak and vulnerable.

**Fillipovic in ’14** Jill Filipovic, "We've gone too far with 'trigger warnings'," Guardian, http://www.theguardian.com/commentisfree/2014/mar/05/trigger-warnings-can-be-counterproductive, March 5, 2014. CC

That should concern those of us who love literature, but it should particularly trouble the feminist and anti-racist bookworms among us. Trigger warnings are largely perceived as protecting young women and, to a lesser extent, other marginalized groups – people of color, LGBT people, people with mental illnesses. That the warnings hinge on topics that are more likely to affect the lives of marginalized groups contributes to the general perception of members of those groups as weak, vulnerable and "other". The kinds of suffering typically imaged and experienced in the white western male realm – war, intra-male violence – are standard. Traumas that impact women, people of color, LGBT people, the mentally ill and other groups whose collective lives far outnumber those most often canonized in the American or European classroom are set apart as different, as particularly traumatizing. Trigger warnings imply that our experiences are so unusual the pages detailing our lives can only be turned while wearing kid gloves. There's a hierarchy of trauma there, as well as a dangerous assumption of inherent difference. There's a reinforcement of the toxic messages young women have gotten our entire lives: that we're inherently vulnerable. And there's something lost when students are warned before they read Achebe or Diaz or Woolf, and when they read those writers first through the lens of trauma and fear. Then, simply, there is the fact that the universe does not treat its members as if they come hand-delivered in a box clearly marked "fragile". The world can be a desperately ugly place, especially for women. That feminist blogs try to carve out a little section of the world that is a teeny bit safer for their readers is a credit to many of those spaces. Colleges, though, are not intellectual or emotional safe zones. Nor should they be. Trauma survivors need tools to manage their triggers and cope with every day life. Universities absolutely should prioritize their needs – by making sure that mental health care is adequately funded, widely available and destigmatized. But they do students no favors by pretending that every piece of potentially upsetting, triggering or even emotionally devastating content comes with a warning sign.

Trigger warnings don’t solve – trauma is diverse and a sentence blip changes nothing.

**Stone in ‘14** “Why Trigger Warnings Don’t Work,” Deb Stone, 2014, STIR Journal (sexual violence journal).

The variabilityof **human perception and** traumatic recall makes it impossible to provide the necessary specificity for trigger warnings to be effective**. The** nature of specificity is, in part, one reason that treatment for traumatic memories involves [safely re-engaging](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2770710/) with the images that populate the survivor’s memory of the event. According to Dr. Mark Beuger, an addiction psychiatrist at Deerfield Behavioral Health of Warren (PA), the goal of PTSD treatment is “to allow for processing of the traumatic experience without becoming so emotional that processing is impossible.” By creating a coherent narrative of the past event through telling and retelling the story to a clinician, survivors confront their fears and gain mastery over their thoughts and feelings. If a survivor has had adequate clinical support, they could

### 1AR v Expenditures

This DA doesn’t make sense.

First, there is no link to the affirmative. Their Levy 15 evidence indicates that campaign donations are protected free speech now, but never read evidence about how the AC makes this worse. The Disad reads: “The status quo is bad and post plan the status quo is still bad.” Gut check the disad. Unless they can provide clear link evidence that indicates why removing restrictions on free speech somehow increases already protected problematic free speech, then vote aff.

Second, they lose the Disad on the New University 16 evidence. After searching for this evidence online it is no longer in publication on the New University website, meaning you should reject the evidence and disad for the lack of ensured context. Additionally, this evidence is talking about one specific college needing to restrict donations but not about the university system as a whole. However, even if you don’t buy this in the text of the card that they don’t read, it says that multiple colleges are already restricting donations for student elections now, meaning the disad gets solved.

No link: Offensive costumes are freedom of expression not speech.

Kelly Cheng, Duke Chronicle, 11-4-2015, ["Nothing wrong with cultural costumes “, http://www.dukechronicle.com/article/2015/11/nothing-wrong-with-cultural-costumes, 1-7-2017] JMS

On Wednesday Oct. 28, Duke Coffeehouse hosted a “Very Haunted House Party” where students were encouraged to attend in their Halloween costumes. In the comments section of this Facebook event, it was specified that costumes portraying other cultures were deemed inappropriate and would not be allowed inside. These posters titled “We are a culture, not a costume” depicting examples of cultural costumes have been widely circulated among social media platforms. In a university with such a socially liberal atmosphere—where political activist groups can freely propagate their opinions, where there are multiple media platforms for students, where students can start new clubs on campus at their discretion—a small action such as a particular culture being depicted through a costume should be considered free expression instead of verboten. 11 Just earlier last week, Walmart's Israeli army Halloween costume had sparked some controversy as well. Many argued that this costume should not be for sale at a time when there is still a high level of tension between Israel and Palestine. However, this children’s costume does not seem to magnify the violence between the two nations or even provide a biased understanding of the situation. It simply provides a child with an opportunity to dress up as someone he may wish to emulate. Although in the past there have been controversial costumes like the “Anna Rexia” costume in 2013 depicting a skeleton with a matching measuring belt around the waist, it seems that this year’s costume market has sparked significantly more discussion than previous years. In fact, the controversy over the Anna Rexia costume has started up again in the past week with posts from Yahoo Health, Teen Vogue and People as the costume is not only still on the market but is actually sold out this season. For years, people have been dressing up as other cultures during Halloween, but why has this issue just been brought to light recently? These controversies over costumes have definitely raised awareness on the topic of cultural appropriation as well as potentially offensive costumes. But, this awareness, which was originally intended to place a negative connotation on certain costumes, may in fact increase the popularity of said costumes. After 26-year-old Jessi Davin, who had previously struggled with anorexia, drafted a petition to take the Anna Rexia costume off the market and was recognized by the media, it seemed that the costume had in fact become more popular, resulting in it being sold out this season. This recent talk over Halloween costumes has definitely increased awareness about what costumes might be potentially offensive, but this process may not necessarily reduce the sales of these costumes. Moreover, with the basic right of freedom of expression, people choose to express themselves in different ways, some of which may be interpreted as offensive. As a pluralistic society, we must live with expression that we may find offensive.

Ken Paulson, First Amendment Center, 1-3-2004, ["Arts & First Amendment overview", http://www.firstamendmentcenter.org/arts-first-amendment/] dpd 1-7-2017

Government funding: Many high visibility battles involve government expenditures for the arts. In the early 1990s, the National Endowment for the Arts was criticized for funding work by Andres Serrano and Robert Mapplethorpe, two controversial artists.

Congress responded by requiring that the NEA operate so that “artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.”

In 1998, the U.S. Supreme Court ruled in NEA v. Finley that the law did not violate the First Amendment, concluding that no specific viewpoint was targeted and that “general standards of decency and respect” were not the sole grounds for decision-making by the NEA.

Ken Paulson, First Amendment Center, 1-3-2004, ["Arts & First Amendment overview", http://www.firstamendmentcenter.org/arts-first-amendment/] dpd 1-7-2017

In theory, visual arts of a more abstract nature would enjoy less First Amendment protection. The greater the expressive content of the work, the greater the likelihood of constitutional protection. A painting, for example, enjoys greater protection than handmade jewelry.

In determining the constitutionality of a government restriction on free speech, courts will weigh the government’s interest in regulation against the value of the speech. Again, artwork or performance with clearly expressive content will be accorded the most weight in that balancing test. A nude performer in a touring company of Hair is accorded greater protection than a topless dancer in a bar.

### 1AR v Classroom DA

## 1AR v CPs

### AT Hate Speech CP

The Supreme court has ruled that ‘hate speech’ is excluded from the first amendment.

Lauren Carroll, politifact, 2015, ["CNN's Chris Cuomo: First Amendment doesn't cover hate speech”, http://www.politifact.com/punditfact/statements/2015/may/07/chris-cuomo/cnns-chris-cuomo-first-amendment-doesnt-cover-hate/, 1-5-2017] JMS

Cuomo said, "Hate speech is excluded from protection" under the First Amendment. The Supreme Court has ruled that certain categories of speech are excluded from constitutional protection, such as a threat or "fighting words." Sometimes, speech can be both a threat and hate speech, in which case it would not necessarily have First Amendment protection.

Aff solves hate speech: Promoting excluded voices, combats hate speech.

Alexander Davidson, California Polytechnic State University, San Luis Obispo, 2016, ["The Freedom of Speech in Public Forums on College Campuses: A Single-Site Case Study on Pushing the Boundaries of the Freedom of Speech ", http://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?article=1119&amp;context=joursp, 1-5-2017] JMS

All experts agreed thatnegative speech creates awareness that surrounds a certain topic. They all noted that “good speech” surfaces to combat the “bad speech.” Humphrey notes that, “We have seen a lot of students stand up and say that this isn’t welcomein this community. It galvanized a movement that said we need to do better” (Appendix A). Den Otter notes something very similar, stating that, “I think any time that there’s some kind of racist incident on campus, people start talking about it. They’re made more aware of it” (Appendix B). And Loving advocates for people to not just stand idly while hate speech is taking place around them, that, “If racial slurs were met with more conversation, evil councils being remedied by good councils, then how long would that atmosphere remain on campus?” (Appendix C). The research shows that these suggestions and statements are true, if history is used as an indicator. Various incidents that have occurred, such as the California Polytechnic State University College Republicans Free Speech Wall, the Crops House Incident and the Charlie Hebdo Attacks have created movements against the negative speech that took place. Many times when “bad speech” shows its face, there are people who use “good speech” to combat the issue.

Counter-speech works to combat hate speech.

**Davidson in ’16** The Freedom of Speech in Public Forums on College Campuses: A Single-Site Case Study on Pushing the Boundaries of the Freedom of Speech A Senior Project presented to The Faculty of the Journalism Department California Polytechnic State University, San Luis Obispo In Partial Fulfillment Of the Requirements for the Degree Bachelor of Science in Journalism By Alexander Davidson June 2016

**All experts agreed that negative speech creates awareness that surrounds a certain topic. They all noted that “good speech” surfaces to combat the “bad speech.”** Humphrey notes that, “**We have seen a lot of students stand up and say that this isn’t welcome in this community. It galvanized a movement that said we need to do better**” (Appendix A). Den Otter notes something very similar, stating that, “**I think any time that there’s some kind of racist incident on campus, people start talking about it. They’re made more aware of it**” (Appendix B). And Loving advocates for people to not just stand idly while hate speech is taking place around them, that, “If racial slurs were met with more conversation, evil councils being remedied by good councils, then how long would that atmosphere remain on campus?” (Appendix C). **The research shows that** these suggestions and statements are true, if **history** is used as an indicator. Various incidents that have occurred, such as the California Polytechnic State University College Republicans Free Speech Wall, the Crops House Incident and the Charlie Hebdo Attacks have **created movements against the negative speech that took place. Many times when “bad speech” shows its face, there are people who use “good speech” to combat the issue.**

Impact Calc-This is a reason to vote aff, as we have the only method to resolve hate speech, and speech codes create the cyclic impact of censorship which only worsens problems and harms pedagogical spaces. These are two net benefits to the aff

**Perms:**

Perm Do the aff: If hate speech isn’t protected in the Status quo then the aff doesn’t allow it

Perm Do the CP: The CP is literally the affirmative meaning the negative hasn’t provided any distinction between the CP and the AC.

Perm Do both: Even if you believe that hate speech is allowed, we can ensure that hate speech is not protected through the perm

Perm Do the Plan then the CP: If you think that hate speech is allowed post-affirmative despite the evidence, then doing the CP post plan solves the impact of hate speech.

**If reading Student Journalism…**

The CP fails to solve the harms of the 1AC – your evidence only talks about the restriction of hate speech for students, not student journalists. Multiple Implications:

And, the harms of the CP are already solved – counterspeech works to combat hate speech.

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### AT Fraternities CP

The CP doesn’t solve for anything – fraternities will only move to different areas off campus without ANY college regulations.

**New in ’14** Jake New, Inside Higher Ed, 9-30-2014, ["Should colleges ban fraternities and sororities?", https://www.insidehighered.com/news/2014/09/30/should-colleges-ban-fraternities-and-sororities] AL 1-2-2017

**Banning fraternities -- with their deep pockets and even deeper roots -- from** large state **universities would be a difficult (if not impossible) endeavor.** The same can be said for Ivy League institutions like Dartmouth College, where nearly two-thirds of eligible students belong to a fraternity or sorority. That hasn't stopped students, faculty, and even college presidents from suggesting it. At Dartmouth last month, hundreds of students, faculty, staff, and alumni said they would like to see the college's Greek system "abolished." But some say that **abolishing fraternities and sororities would not help curb instances of sexual assault and heavy drinking -- and could actually exacerbate them.** While the majority of fraternity members do not commit rape, they are three times as likely to commit rape as non-members, according to a 2007 study. Another study, published in the NASPA Journal in 2009, found that 86 percent of fraternity house residents engaged in binge drinking, compared to 45 percent of non-fraternity men. Fraternity house members were twice as likely to fall behind in academic work, engage in unplanned sex, or be injured after drinking. Fraternity members were more likely to have unprotected sex, damage property, and drive, all while under the influence of alcohol. "It's not just a stereotype," said George Koob, the director of the National Institute on Alcohol Abuse and Alcoholism. "There is pretty good evidence that fraternity individuals are drinking more, particularly in the heavy range of binge drinking. They have more problems associated with drinking. They have more impairment in occupational functioning related to drinking, such as getting homework and term papers done. But, I don't think you should go about banning fraternities. **Punishment is rarely the way to go about anything like this. If you punish a behavior, it comes back with a vengeance." In the case of banning a Greek system, that behavior could come back in the form of off-campus houses or underground fraternities that could not be regulated by colleges.**

### AT Revenge Porn CP

Revenge porn is already being federally solved, as numerous scholars have confirmed it is not protected by the First Amendment.

Franks in ’16 Mary Anne Franks, Professor of law at the University of Miami School of Law, Providence Journal, December 21, 2016, ["Mary Anne Franks: Revenge porn is not free speech”, http://www.providencejournal.com/opinion/20161221/mary-anne-franks-revenge-porn-is-not-free-speech, 1-11-2017] JMS

Some First Amendment experts do not agree. Shortly after the governor's veto, a federal bill was introduced in Congress that**,** much like the Rhode Island bill, prohibits the unauthorized disclosure of private, sexually explicit images. Several notable First Amendment scholars, including Prof. Erwin Chemerinsky, confirmed its constitutionality. As Professor Chemerinsky stated, "The First Amendment does not protect a right to invade a person's privacy by publicizing, without consent, nude photographs or videos of sexual activity.**"**

Implications:

1. The 1AC is not shifting advocacies – Franks ’16 specifically talks about the unconstitutionality of revenge porn
2. Perm: Do the AFF and restrict revenge porn
3. This is an inherency and solvency takeout – scholars have already made revenge porn unconstitutional

Revenge porn is already criminalized in 34 states and the legislation is only increasing.

Revenge porn, also known as nonconsensual pornography, is the distribution of one or more sexually explicit photos of someone else, without the subject’s permission. The photo may be one that the victim took herself and naively shared with the eventual poster, a photo taken by someone else (usually an ex-boyfriend or lover), or an image taken from the victim’s computer or device by a hacker. The victims are overwhelmingly female, and the damage done to their reputations and psyches can be enormous. **States are increasingly passing targeted legislation that criminalizes such conduct,[revenge porn] including New Jersey, California, Idaho, Utah, and Wisconsin [and 29 others],** but some have not done so. In the latter group, victims rely on various related criminal statutes to prosecute the perpetrators. A couple of federal laws may apply, and targeted federal legislation is in the works. In addition, a variety of civil responses are available to the determined victim.

The PIC is non-unique entirely. We are not triggering anything, and no matter what the laws in place will resolve any issues that could possible arise

Also, speech codes only worsen the situation

**ACLU,** American Civil Liberties Union, 17, ["Hate Speech on Campus", https://www.aclu.org/other/hate-speech-campus] MJC 1-8-2017

Many universities, under pressure to respond to the concerns of those who are the objects of hate, have adopted codes or policies prohibiting speech that offends any group based on race, gender, ethnicity, religion or sexual orientation. That's the wrong response, well-meaning or not. The First Amendment to the United States Constitution protects speech no matter how offensive its content. **Speech codes adopted by government-financed state colleges and universities amount to government censorship, in violation of the Constitution.** And the ACLU believes that all campuses should adhere to First Amendment principles because **academic freedom is a bedrock of education in a free society.** How much we value the right of free speech is put to its severest test when the speaker is someone we disagree with most. Speech that deeply offends our morality or is hostile to our way of life warrants the same constitutional protection as other speech because the right of free speech is indivisible: When one of us is denied this right, all of us are denied. Since its founding in 1920, the ACLU has fought for the free expression of all ideas, popular or unpopular. That's the constitutional mandate.  Where racist, sexist and homophobic speech is concerned, the ACLU believes that **more speech** -- not less -- **is the best** revenge. This is particularly true at **universities**, whose mission is to **facilitate learning through open debate and study, and to enlighten.** Speech codes are not the way to go on campuses, where all views are entitled to be heard, explored, supported or refuted. Besides, **when hate is out in the open, people can see the problem**. Then they **[and] can organize effectively to** **counter** bad attitudes, possibly change them, and forge solidarity against the forces of intolerance.

Any censorship via speech codes, including that which will be used in the PIC, only makes it harder to resolve female oppression and sexual objectification. As the aff is the only way to solve this by utilizing pedagogical discussion. These are two net benefits to doing the aff

### AT Anti-Semitic CP

1. Even if they prove the CP is good in theory it is not good in practice –

Friedersdorf ’16, [Conor Friedersdorf(), Free Speech on Campus Is Under Attack, Atlantic, 3-4-2016, 16, https://www.theatlantic.com/politics/archive/2016/03/the-glaring-evidence-that-free-speech-is-threatened-on-campus/471825/, 2-11-2017. SK]

That list includes speakers from the right and the left. It involves several controversies that have nothing to do with antiracism. How many examples are needed to persuade Stanley that there is a problem? Because I only stopped listing them to avoid being tedious. Those examples are a mere subset of 2015 efforts to censor speakers based on their viewpoints. There are still more from 2014. Further roundups could be written about 2013, 2012, and beyond. **Speech is frequently threatened**. Speeches are regularly disrupted. Some are cancelled every year. **To perceive no threat is to ignore reality**. Or forget big speeches and look to another example of **left-leaning speech** that **is threatened**. As Glenn Greenwald wrote at The Intercept, “One of the most dangerous threats to campus free speech has been emerging at the highest levels of the **U**niversity of **C**alifornia **system**, the sprawling collection of 10 campuses that includes UCLA and UC Berkeley. The university’s governing Board of Regents, with the support of University President Janet Napolitano and egged on by the state’s legislature, **has been attempting to adopt new speech codes that—in the name of combating ‘anti-Semitism’—would formally ban various forms of Israel criticism.”** He continued: Under the most stringent such regulations, **students found to be in violation of these codes would face suspension or expulsion**. In July, it appeared that the Regents were poised to enact the most extreme version, but decided instead to push the decision off until September, when they instead would adopt non-binding guidelines to define “hate speech” and “intolerance.” **One of the Regents most vocally advocating for the most stringent version of the speech code is Richard Blum, the multi-millionaire defense contractor** who is married to Sen. Dianne Feinstein of California. At a Regents meeting last week, reported the Los Angeles Times, Blum expressly threatened that Feinstein would publicly denounce the university if it failed to adopt far more stringent standards than the ones it appeared to be considering, and specifically demanded they be binding and contain punishments for students found to be in violation. The San Francisco Chronicle put it this way: “Regent Dick Blum said his wife, U.S. Sen. Dianne Feinstein, D-Calif., ‘is prepared to be critical of this university’ unless UC not only tackles anti-Jewish bigotry but also makes clear that perpetrators will be punished.” The lawyer Ken White wrote that “Blum threatened that his wife … would interfere and make trouble if the Regents didn’t commit to punish people for prohibited speech.” As campus First Amendment lawyer Ari Cohn put it the following day, “Feinstein and her husband think college students should be expelled for protected free speech.” For now, no such speech code has been adopted. Does Stanley deny that the **powerful, politically connected forces pushing for it are a threat to speech on campus**? SK

Impacts:

1. Turn - antisemitism speech codes are a project of the rich elite and power structures that seek to defuse criticism of Israel as well.
2. Defense - Regardless of whether anti-Semitic speech is good, speech codes are not the way to stop the impact.

2. No clear definition of anti-semitic speech means CP is impossible and can’t solve

Kaplan ’15, [David Weigel(), Speech code backers at UC, including its president, want tough criticism of Israel labeled ‘anti-Semitism’, Washington Post, 10-27-2015, 15, https://www.washingtonpost.com/news/morning-mix/wp/2015/10/27/speech-code-backers-at-uc-including-its-president-want-tough-criticism-of-israel-labeled-anti-semitism/?utm\_term=.0a451b0d8341, 2-11-2017. SK]

On the other side are people who say that **a proposed new definition of anti-Semitism**, which is borrowed from the State Department, **amounts to censorship**. **It would “limit the range of political inquiry, awareness, expression and education on campus**,” Estee Chandler, Los Angeles organizer for the organization Jewish Voice for Peace, told the Los Angeles Times. Peter Scheer, executive director of the First Amendment Coalition, suggested to the Associated Press that **a too-strict definition would violate the First Amendment**. University of California President Janet Napolitano said in a May interview on NPR that she supports adopting the State Department definition. “I have my own personal view, and my personal view is that we should” adopt the State Department’s definition, Napolitano said. But UC Regent John A. Pérez, a member of the committee who is otherwise supportive of explicitly addressing anti-Semitism in the university system’s new policy, said that **definition “conflates criticism with unacceptable activity**.” “We’re smarter than that,” he told the Sacramento Bee last month. At the public forum Monday, students and professors testified before a university committee tasked with drafting the UC system’s new anti-bias policy. This isn’t the system’s first attempt at the touchy task; an initial draft was discarded after Jewish groups criticized it for being too vague. That policy defined intolerance as “unwelcome conduct” motivated by hate or discrimination, but did not address particular groups as targets, according to the Associated Press. SK

### AT Statism Alt

Turn: Refusing the state is a concession to neoliberal rationalities that seek to drain the state of its vitalism and relevance.

**Villadsen and Dean 12** (Kaspar and Mitchell, Associate Professor of Sociology at Copenhagen Business School and Research Professo or Sociology at Newcastle University, “State-Phobia, Civil Society, and a Certain Vitalism”, Constellations 19.3)

Governmentality, in short, is an analysis of the state and not something that lies beyond it. It shows the conditions of experience of the “state” as that which confronts an external domain – civil society – to which it must grant a measure of free action in order for government to function. It grows out of a diagnosis of the present as one in which the state has come to be regarded as essentially despotic, the source of evil in the world, and as a repressive force that deforms our subjectivity, from the inside as much as the outside, limiting our potentiality in the world. For Foucault, this is a view shared not only by the ultra-left that seeks a violent overthrow of the state, but also by variants of neoliberalism in the twentieth century. This view is rooted in the anti-state eschatology of the nineteenth century, which has the notion of civil society at its core.¶ In Foucault’s context, to reject a theory of the state was to reject a Marxist theory of the state and to take note of anti-institutional movements in both liberal democracies and those opposed to state socialism. Today, any rejection of analyses conducted in statist terms takes place in a changed context: in the context of the repeated mantra of “governance” theorists who speak of a shift from government to governance and of a “hollowing out the state”; against the backdrop of conceptions of globalization that claim that global flows of trade, finance, information, and culture have undone the “container” of the national state39; and in the presence of political analyses that claim that struggles directed toward the state have been displaced by grassroots movements conducting sub-, micro-, and transversal politics underneath, across, and above the territorial state. In short, to reject a theory of the state in favor of an analysis of local struggles in the 1970s marked a break with a prevailing left intellectual problematic and an attempt to open up the discussion of government and state. In our own time, to dissolve the concept of the state has the opposite effect: it merely reinforces what has become a kind of anti-political orthodoxy that has rendered the left a meaningless term. This dissolution easily makes an accession to political agendas fatally shaped by the militant intellectual and political “thought collective” of which Foucault was an early analyst – to neoliberalism.40

### AT States CP

CP fails – multiple warrants

Damerdji ’15, [Salim Damerdji, “An Argument against the States CP”, NSDupdate, <http://nsdupdate.com/2016/01/12/an-argument-against-the-states-cp-by-salim-damerdji/>. SK]

Suppose you are a security guard working the night-shift at an art museum. You realize a disgruntled co-worker is wandering around, and to your dismay, punching painting after painting. You could run up to your co-worker and tackle them, but that would certainly damage the next painting. In an ideal world, your co-worker would stop their rampage on their own. But based on their aggressive demeanor, you figure this is unlikely. So the choice is yours: tackle your co-worker (and definitely cause more harm) or do nothing at all with the hope that your co-worker will abort their rampage on their own volition. It seems pretty compelling that you should take matters into your own hands. While it’d be ideal for your co-worker to stop their rampage on their own, you have little to no confidence that they will, and so you still have a moral obligation to stop the rampage. Now **consider the States CP**. **The USFG sees serious harm in the status quo. It would be ideal for the 50 states to ban handguns instead of the federal government, but keep in mind, many of these 50 states openly oppose any gun control whatsoever, let alone a handgun ban**. Moreover, **it’s sheer fantasy to suppose all 50 states would act in unison**. In sum, **the ideal outcome, whereby the 50 states implement a handgun ban, is virtually zero.** Just as the security guard would be foolish to play the odds of not acting, the same would be true for the federal government. In both cases, **there’s little to no chance that the ideal actor would actually act**. And **so the obligation falls back to you, the non-ideal actor.** As the language here suggests, this logic applies to all alternate actor CP’s, not just the 50 States CP.[2] Let’s consider some replies. In 2009, Eric Morris offered the following response to JP Lacy:[3] one actor has the ability to directly choose between Federal and State action: the debate judge. This is roughly the same number of actors who have the ability to dictate Congressional/Presidential cooperation to get a particular law passed & signed, not to mention funded, implemented, and upheld in perpetuity. Though it may seem implied by Lacy’s language, there doesn’t actually need to be a single entity to push for the aff to happen (it may entail fiating a lot of congresspeople pass a bill, for instance). And even if it were the case that a single entity had to make the aff happen, the judge could not be that entity. The judge quite literally does not dictate congressional/presidential cooperation – the USFG does. To test whether the aff is desirable, we merely ask whether the USFG affirming would be good, putting aside the issue of whether the congressional/presidential cooperation it requires is likely. This is distinct from the issue with the States CP. The problem here is made vivid by returning to the security guard example. The security guard can agree that the co-worker would be the ideal actor. But the security guard lacks God-like powers to force their co-worker to stop their rampage. So it’s irrelevant whether the co-worker would be the ideal actor since we’re nearly certain they won’t act. Second, someone may reply, “Of course the neg world won’t happen, but neither will the aff world happen. The whole point of fiat is to discover the best outcome, not the most likely one.” **The point of fiat is not to figure out the best imaginable outcome – it’s to test whether we should affirm or not**. When the neg fiats a counter-plan, they acquire the ability to test whether the world of the CP is good. **But the neg world being preferable to the aff world isn’t enough to win.** (To think otherwise is just another bizarre implication of the contrived comparing worlds paradigm.) Perms demonstrate this. If the CP ended world hunger and gave everyone a pony, it’d be an amazing world, maybe even better than the aff’s world. But until there’s a disadvantage to the aff, then there’s still every reason to affirm. Counter-plans only matter if they are opportunity costs weighty enough to make the aff advocacy undesirable. In this case, the fact that the states are so unlikely to act means there’s virtually no opportunity cost to affirming. It looks like we’ve taken the “just imagine it would happen” view of fiat too literally. When the security guard imagines how great it’d be for their co-worker to stop their rampage on their own, the security guard doesn’t also need to believe that the chance of that happening is actually guaranteed. Of course the security guard can agree the co-worker would be the ideal actor; this just has no bearing on what to do. Fiating a States CP can only tell us it’d be good for the states to act[4]. But **given that it surely won’t happen, a States CP doesn’t change the calculation of whether the USFG should act**. We should be cautious about deferring to conventions of fiat over what seems to us to be the case in the security guard example. Jacob Nails offers insight here:[5] **“I won’t,” does not refute “you should.” … with or without an agreed upon convention of fiat…. Attempting to directly justify or indict a debate practice by direct appeal to fiat puts the cart before the horse**. There is no rule of fiat governing debates, over and above other considerations. It should be possible to drop the reference to debate fiat and make the same argument appealing to logic directly. After all, fiat is itself grounded in the logical principles of decision-making. If this task cannot be accomplished, the debater has most likely snuck some additional assumption into their notion of fiat that does not belong. Let’s abandon a misguided view of fiat, not a basic intuition. **When the ideal actor won’t act, the non-ideal actor must**. SKC

### AT Black Speech CP

[] – Zero solvency – supreme court will use the equal protection clause to roll back intentionally discriminatory laws regardless of racial identity

Nathaniel Persily, James B. McClatchy Professor of Law, Stanford Law School, Stanford, California., American Bar Association Vol. 31 No. 6, Nov/Dec 2014 ["The Meaning of Equal Protection: Then, Now, and Tomorrow", http://www.americanbar.org/publications/gp\_solo/2014/november\_december/the\_meaning\_equal\_protection\_then\_now\_and\_tomorrow.html] bcr 1-6-2017

This seemingly semantic difference can make all the practical difference in the world. Affirmative action provides the most glaring example. Those who view the Equal Protection Clause primarily in terms of its anti-subordination purpose—that is, to protect historically disadvantaged and powerless groups from more privileged and powerful ones—would not treat discrimination against whites the same as discrimination against African Americans. On the other hand, those who read into the Equal Protection Clause a rule of colorblindness consider any racial classification—regardless of the race of the plaintiff—to be inherently suspect and only justifiable by the most important rationales.To a large extent the classification-based approach has won out. Although the Court has left open the door for some forms of affirmative action, given the importance of promoting diversity and targeted compensation for past discrimination, it has reiterated the rule that the constitutional standard should not vary based on the racial group benefited or burdened by the classification. And while this approach is often seen as the conservative approach to Equal Protection, it was none other than Ruth Bader Ginsburg, as a lawyer for the Women’s Rights Project at the American Civil Liberties Union (ACLU), who strategically brought cases to the Court on behalf of men to highlight the irrationality of gender-based classifications. Nevertheless, from time to time, and perhaps especially in recent years, we also see the Court’s concern for certain classes of people peeking through. The concerns that the Court has expressed for children of illegal immigrants, people with disabilities, or for gays and lesbians have arisen from particular concerns about laws imposing unique and irrational costs on discrete groups of people. Operationalizing Equal ProtectionThis preference for classifications over classes is characteristic of a set of similar judgments in which the Court operationalizes its interpretation of the Equal Protection Clause. (Professor Mitchell Berman of the University of Pennsylvania School of Law describes these as “constitutional decision rules.”) The now well accepted approach to limit Equal Protection to intentional discrimination is of a similar type. Nothing in the wording of the Equal Protection Clause would suggest such a limit. The Court could have gone in a very different direction in a series of cases in the 1970s and developed rules for prohibited discrimination that did not rely, in effect, on reading the minds of decision makers responsible for discriminatory state action. Indeed, Congress went in such a direction when it enacted and then amended Title VII of the Civil Rights Act to establish a system of burden shifting when certain policies have a discriminatory impact, regardless of purpose.

[] – The premise of their link is faulty – white experiences must be evaluated from an intersectional lense

Jamie Utt, Everyday Feminism, 1-31-2016, PhD candidate @ University of Arizona - Bachelor’s of Arts in Peace and Global Studies from Earlham College where he dedicated his studies to conflict resolution and Middle Eastern Peace Studies. ["3 Examples That Show Even White Privilege Needs to be Viewed Intersectionally", http://everydayfeminism.com/2016/01/white-privilege-intersectional/] bcr 1-6-2017

But privilege doesn’t function as a monolith; White privilege isn’t the same for every White individual and doesn’t function in the same way, to the same degree, for all White people. However, all White people experience racial privilege. Full stop. Our privileges, though, are complicated by other aspects of our identity that intersect with our Whiteness. Intersectionality is a complex idea, but part of it means that when we are discussing someone’s class or ableist oppression, we must consider those things in the context of other areas where they might be marginalized as well as where they might be privileged. Almost forty years ago, Derrick Bell wrote of the “interest convergence dilemma,” whereby institutional change toward ending racial oppression doesn’t often take place until White people see it in their best interest despite the incredible work of activists of Color. As a White activist who sees the liberation of those I love, as well as my own liberation, as tied up in realizing intersectional racial justice, what Bell’s work says to me is that I have a responsibility to find new ways of engaging White people, of helping White people understand our own interests in realizing racial justice and in divesting from Whiteness. And that’s the idea of collective liberation! Everyone with privilege has a choice to divest from systems of privilege and to join movements led by oppressed and marginalized people. When those movements are intersectional, then working in concert with others means that we are also working for our own liberation.

[] Lashout DA – purposely isolating white nationalism fuels a persecution complex that turns case

Briana L. Urena-Ravelo, Medium, 8-15-2016, Writer. Community organizer. Errant punk. Ne’er do well. Afro-Dominicana. High Hex Femme. ["Christian fundamentalists: you’re not persecuted, you’re just white", https://medium.com/@AfroResistencia/christian-fundamentalists-youre-not-persecuted-you-re-just-white-32c94dbf42f4] bcr 1-6-2017

This is all exacerbated by the fact that in this country, white people equate being a literal minority in regards to population to being institutionally marginalized. If you are a Quiverfull Christian, believe in The Rapture, read and take the Bible literally, are a complementarian and/or or very strictly anti-LGBTQ, anti-women and anti-reproductive health care rights, increasingly, you are most definitely going to be in the minority. But that’s because being small-minded, moralizing and judgmental towards people who don’t look, worship and believe exactly like how you think they should is definitely going to make you unpopular and isolate you socially because you’re being an ideologically sever, overly-zealous jerk, and no one likes that. It doesn’t mean you’re marginalized. You freely choose to hate gay people, have your women and girls wear long skirts, home-school and abuse children and have a bunch of babies you name shit like Josiah and Faith and Hope, that doesn’t mean you’re socially oppressed. If anything, in a world that punishes and demonizes people of color for having lots of children, trying to create or sustain sovereign nations or being orthodox or Conservative, White Christians have a lot of privilege in the ways that they isolate themselves from mainstream secular culture and create their own private communities that they do not let the government or others outside, even non-fundamentalist family members, dictate or look over.

I saw the White Fundamentalist Christian Persecution Complex used to commit and justify real persecution against marginalized communities at the hands of white people who, having seen themselves as Christian before seeing themselves as white, then compared themselves to oppressed global Christians, which the Atlantic article mentions. The author writes that Christians with “global perspective on their faith rightly identify themselves as part of a persecuted people in the 21st century.” However, that mentality is colonialist, fetishizing and white supremacist. It is used to further fuel an out-of-touch, misguided ideas of global south folks and a sense of oppression while ignoring the real oppressions White Christians commit and justify like mission trips to the global south and in poor communities and the often-exploitative Christian Adoption industry. The dynamics in those nations where non-Western Christians are persecuted are very different and far too complex and Western, especially white, Christians don’t have a right to claim those narratives for themselves, even if they wish to ally themselves with and support those Christians.

### AT Private College PIC

**A) Interpretation: The negative debater may not read a plan-inclusive counterplan**

**B) Violation: My opponent reads a plan-inclusive counterplan**

**C) Standards:**

**1) Ground: PICs give access to the majority of competitive offense in the AC. This makes it impossible for the Affirmative to gain any offense. Predictability is key to fairness because the Negative can read multiple counterplans with specific policies, and I am not able to weigh and turn offense in the PIC.**

**2) Clash: I also cannot be reasonably expected to make sufficient quality arguments that engage the AC with the PIC; This is key to education because if there is no clash in the round, then there is no learning.**

**3) Predictability: There are many different PICs that my opponent can read on the NEG that both structurally gains offense under the AC framework. Fairness is key because both debaters need to have sufficient opportunities to predict and prepare against positions on the opposite side.**

**D) Voters: Fairness is a voter because debate was designed to be a fair activity. Education is a voter because that’s the reason why schools fund debate. Drop the debater because a. to deter future abusive discourses and b. because I have to run theory or else it is a lose-lose situation for me. Prefer competing interpretations because a. norm setting; it forces both debaters to generate proactive offense to interpretations b. reasonability is arbitrary c. reasonability encourages debaters to get away with increasingly unfair strategies through defense on theory.**

**Extend the first point of the underview that says you should evaluate fairness first because of engagement and inclusivity.**

**Extend the 6th point of the underview which says that Aff gets drop the debater, since there is not enough time to rectify abuse and adequately cover substance**

**\*OPTIONAL\***

**And perm, do aff then neg. This way we capture the benefits and are able to evaluate better methods for when we implement no limitations in private school afterwards. The Aff advocates for doing public, waiting, then doing private.**

Use the AC framing, The state is inevitable- policymaking is the only way to create social change in debate.

Coverstone 05 **Alan Coverstone, Montgomery Bell Academy, 11-17-2005, ["Acting on Activism", http://groups.wfu.edu/debate/MiscSites/DRGArticles/2006/Acting%20on%20Activism.pdf] MJC 12-25-2016**

An important concern emerges when Mitchell describes reflexive fiat as a contest strategy capable of “eschewing the power to directly control external actors” (1998b, p. 20). Describing debates about what our government should do as attempts to control outside actors is debilitating and disempowering. Control of the **US** government is exactly what an active, participatory citizenry is supposed to be all about. After all, if democracy means anything, it means that citizens not only have the right, they also bear the obligation to discuss and debate what the government should be doing.Absent that discussion and debate, much of the motivation for personal political activism is also lost. Those who have co-opted Mitchell’s argument for individual advocacy often quickly respond that nothing we do in a debate round can actually change government policy, and unfortunately, an entire generation of debaters has now swallowed this assertion as an article of faith. The best most will muster is, “Of course not, but you don’t either!” The assertion that nothing we do in debate has any impact on government policy is one that carries the potential to undermine Mitchell’s entire project. If there is nothing we can do in a debate round to change government policy, then we are left with precious little in the way of pro-social options for addressing problems we face. At best, we can pursue some Pilot-like hand washing that can purify us as individuals through quixotic activism but offer little to society as a whole. It is very important to note that Mitchell (1998b) tries carefully to limit and bound his notion of reflexive fiat by maintaining that because it “views fiat as a concrete course of action, it is bounded by the limits of pragmatism” (p. 20). Pursued properly, the debates that Mitchell would like to see are those in which the relative efficacy of concrete political strategies for pro-social change is debated. In a few noteworthy examples, this approach has been employed successfully, and I must say that I have thoroughly enjoyed judging and coaching those debates. The students in my program have learned to stretch their understanding of their role in the political process because of the experience. Therefore, those who say I am opposed to Mitchell’s goals here should take care at such a blanket assertion. However, contest debate teaches students to combine personal experience with the language of political power. Powerful personal narratives unconnected to political power are regularly co-opted by those who do learn the language of power**. One need look no further than the annual state of the Union Address where personal story after personal story is used to support the political agenda of those in power. The so-called** role-playing that public policy contest debates encourage promotes active learning of the vocabulary and levers of power in America. Imagining the ability to use our own arguments to influence government action is one of the great virtues of academic debate. Gerald Graff (2003) analyzed the decline of argumentation in academic discourse and found a source of student antipathy to public argument in an interesting place. I’m up against…their aversion to the role of public spokesperson that formal writing presupposes. It’s as if such students can’t imagine any rewards for being a public actor or even imagining themselves in such a role. This lack of interest in the public sphere may in turn reflect a loss of confidence in the possibility that the arguments we make in public will have an effect on the world. Today’s students’ lack of faith in the power of persuasion reflects the waning of the ideal of civic participation that led educators for centuries to place rhetorical and argumentative training at the center of the school and college curriculum. (Graff, 2003, p. 57) The power to imagine public advocacy that actually makes a difference is one of the great virtues of the traditional notion of fiat that critics deride as mere simulation. Simulation of success in the public realm is far more empowering to studentsthan completely abandoning all notions of personal power in the face of governmental hegemony by teaching students that “nothing they can do in a contest debate can ever make any difference in public policy.” Contest debating is well suited to rewarding public activism if it stops accepting as an article of faith that personal agency is somehow undermined by the so-called role playing in debate. Debate is role-playing whether we imagine government action or imagine individual action. Imagining myself starting a socialist revolution in America is no less of a fantasy than imagining myself making a difference on Capitol Hill. Furthermore, both fantasies influenced my personal and political development virtually ensuring a life of active, pro-social, political participation. Neither fantasy reduced the likelihood that I would spend my life trying to make the difference I imagined. One fantasy actually does make a greater difference: the one that speaks the language of political power. The other fantasy disables action by making one a laughingstock to those who wield the language of power. Fantasy motivates and role-playing trains through visualization. Until we can imagine it, we cannot really do it. Role-playing without question teaches students to be comfortable with the language of power, and that language paves the way for genuine and effective political activism. Debates over the relative efficacy of political strategies for pro-social change must confront governmental power at some point. There is a fallacy in arguing that movements represent a better political strategy than voting and person-to-person advocacy. Sure, a full-scale movement would be better than the limited voice I have as a participating citizen going from door to door in a campaign, but so would full-scale government action. Unfortunately, the gap between my individual decision to pursue movement politics and the emergence of a full-scale movement is at least as great as the gap between my vote and democratic change. They both represent utopian fiat. Invocation of Mitchell to support utopian movement fiat is simply not supported by his work, and too often, such invocation discourages the concrete actions he argues for in favor of the personal rejectionism that under girds the political cynicism that is a fundamental cause of voter and participatory abstention in America today.

Critical movements must be strategic demands against the state to promote real change.

Zizek 07 **Slavoj Zizek, London Review of Books, 11-15-2007, ["Slavoj Zizek-Bibliography/Resistance is Surrender/Lacan Dot Com", http://www.lacan.com/zizsurcrit.htm] MJC 12-25-2016**

The ambiguity of Critchley's position resides in a strange non sequitur: if the state is here to stay, if it is impossible to abolish it (or capitalism), why retreat from it? Why not act with(in) the state? Why not accept the basic premise of the Third Way? Why limit oneself to a politics which, as Critchley puts it, 'calls the state into question and calls the established order to account, not in order to do away with the state, desirable though that might well be in some utopian sense, but in order to better it or attenuate its malicious effect'? These words simply demonstrate that today's liberal-democratic state and the dream of an 'infinitely demanding' anarchic politics exist in a relationship of mutual parasitism: anarchic agents do the ethical thinking, and the state does the work of running and regulating society. Critchley's anarchic ethico-political agent acts like a superego, comfortably bombarding the state with demands; and the more the state tries to satisfy these demands, the more guilty it is seen to be. In compliance with this logic, the anarchic agents focus their protest not on open dictatorships, but on the hypocrisy of liberal democracies, who are accused of betraying their own professed principles. The big demonstrations **in London and Washington** against the US attack on Iraqa few years ago offer an exemplary case of this strange symbiotic relationship between power and resistance. Their paradoxical outcome was that both sides were satisfied. The protesters saved their beautiful souls: **they made it clear that they don't agree with the government's policy** on Iraq. Those in power calmly accepted it, even profited from it: not only did the protests in no way prevent the already-made decision to attack Iraq; they also served to legitimise it. Thus George Bush's reaction to mass demonstrations protesting his visit to London, in effect: 'You see, this is what we are fighting for, so that what people are doing here - protesting against their government policy - will be possible also in Iraq!' It is striking that the course on which Hugo Chávez has embarked since 2006 is the exact opposite of the one chosen by the postmodern Left: far from resisting state power, he grabbed it (first by an attempted coup, then democratically), ruthlessly using the Venezuelan state apparatuses to promote his goals. Furthermore, he is militarising the barrios, and organising the training of armed units there. And, the ultimate scare: now that he is feeling the economic effects of capital's 'resistance' to his rule (temporary shortages of some goods in the state-subsidised supermarkets), he has announced plans to consolidate the 24 parties that support him into a single party. Even some of his allies are sceptical about this move: will it come at the expense of the popular movements that have given the Venezuelan revolution its élan? However, this choice, though risky, should be fully endorsed:the task is to make the new party function not as a typical state socialist (or Peronist) party, but as a vehicle for the mobilisation of new forms of politics (like the grass roots slum committees). What should we say to someone like Chávez? 'No, do not grab state power, just withdraw, leave the state and the current situation in place'? Chávez is often dismissed as a clown - but wouldn't such a withdrawal just reduce him to a version of Subcomandante Marcos, whom many Mexican leftists now refer to as 'Subcomediante Marcos'? Today, it is the great capitalists - Bill Gates, corporate polluters, fox hunters - who 'resist' the state. The lesson here is thatthe truly subversive thing is not to insist on 'infinite' demands we know those in power cannot fulfil. Since they know that we know it, such an 'infinitely demanding' attitude presents no problem for those in power: 'So wonderful that, with your critical demands, you remind us what kind of world we would all like to live in. Unfortunately, we live in the real world, where we have to make do with what is possible.' The thing to do is, on the contrary, to bombard those in power with strategically well-selected, precise, finite demands, which can't be met with the same excuse**.**

### \*\*\*Perm Good (Generic)

Perm do both. Combining methods solves best; no one theory will give a complete account of the world

**Caprioli ‘4** (Mary Caprioli, Assistant Professor of Political Science at the University of Tennessee, International Studies Review, June 2004 pp.256-8

The purported language difference between feminist and IR scholars appears to be methodological. In general, feminist IR scholars 2 are skeptical of empiricist methodologies and "have never been satisfied with the boundary constraints of conventional IR" (Tickner 2001:2). As noted above, conventional international relations is defined on the basis of methodology as a commitment "to empiricism and data-based methods of testing" (Tickner 2001:149). Ironically, some feminist IR scholars place boundary constraints on feminist IR scholarship by limiting its definition to a critical-interpretive methodology (see Carpenter 2003:ftn. 1). Rather than pushing methodological boundaries to expand the field and to promote inclusiveness, conventional IR feminists appear to discriminate against quantitative research. If conventional feminists are willing to embrace multicultural approaches to feminism, why restrict research tools? There would seem to be a lack of consistency between rhetoric and practice. Especially at the global level, there need not be only one way to achieve feminist goals. Hence, conventional feminist IR scholars might benefit from participating in mainstream IR scholars' evolving embrace of methodological pluralism and epistemological opportunism (Bueno de Mesquita 2002; Chan 2002; Fearon and Wendt 2002). One must assume that feminist IR scholars support the pursuit of research that broadens our understanding of international relations. Such a research agenda must include both evidence and logic (Bueno de Mesquita 2002; Chan 2002). Theorizing, case study evidence (specific details), and external validity (generality) are all necessary components of research—only through a combination of all three modes of inquiry can we begin to gain confidence in our understanding. "And still we debate what seems to have been obvious to our predecessors: to gain understanding, we need to integrate careful empirical analysis with the equally careful application of the power of reason" (Bueno de Mesquita 2002:2). Different types of scholarship "make different contributions that can be mutually beneficial, as when historical studies isolate immediate causes that act as catalysts for the general tendencies identified in aggregate analyses" (Chan 2002:754). Without logic and theory, the general tendencies identified through quantitative analysis are incomplete. "In the absence of guidance from such logic, the data exercises degenerate into mindless fishing expeditions and are vulnerable to spurious interpretations" (Chan 2002:750). Most scholars concerned with gender certainly owe a debt to Jean Bethke Elshtain (1987), Cynthia Enloe (1989), and Ann Tickner (1992). These IR feminists shattered the publishing boundary for feminist IR scholarship and tackled the difficult task of deconstructing IR theory, including its founding myths, thereby creating the logic to guide feminist quantitative research. It is only through exposure to feminist literature that one can begin to scientifically question the sexist assumptions inherent in the dominant paradigms of international relations. Feminist theory is rife with testable hypotheses that can only strengthen feminist IR scholarship by identifying false leads and logical errors or by identifying general tendencies that deserve further inquiry. Without the solid body of feminist literature that exists, quantitative feminist IR scholarship would be meaningless. The existing feminist literature based on critical-interpretive epistemologies forms the rationale for quantitative testing. No one methodology is superior to the others. So, why create a dichotomy if none exists? **All methodologies contribute to our knowledge**, and, **when put together** like pieces of a puzzle, **they offer a clearer picture**. **The idea is to build a bridge of knowledge, not parallel walls that are equally inadequate** in their understanding of one another and in explaining international relations. Further **undermining the false dichotomization** between positivist and interpretivist methodologies **is the lack of proof that quantitative methodologies cannot challenge established paradigms** **or, more important**, **that a critical-interpretive epistemology is unbiased or more likely to uncover some truth** that is supposedly obscured by quantitative inquiry. Part of the rationale for the perpetuation of the dichotomy between methodologies and for the critique of quantitative methodology as a valid type of feminist inquiry involves confusing theory and practice. On a theoretical level, quantitative research is idealized as value-free and objective, which of course it is not—particularly when applied to the social sciences. Feminists opposed to quantitative methodologies imagine that other scholars necessarily assume such scholarship to be objective (see Brown 1988). **Few social scientists using quantitative methodologies,** however**, would suggest that this methodology is value-free, which is why so much emphasis is placed on defining measures**. This procedure leaves room for debate and provides space for feminist inquiry. For example, feminists might wish to study the effect of varying definitions of democracy and of security on the democratic peace thesis, ultimately combining methodologies to provide a more thorough understanding of the social matrix underlying state behavior.

### \*\*\*AT Pics and Condo Good

Interpretation- The negative may not share a part of the 1AC solvency mechanism that shifts away from the status quo

Violation-

1. Strat Skew- they coopt 6 mins of 1AC offense which makes it impossible to weigh the aff against any of the 1NC. The 1ac has a very small portion to defend it but the 1N7 can collapse 7 mins to the part they pic out of. That forces a 1AR restart and kills our ability to clash against the 1NC because we lose 6 mins of offense. The K2 Fairness- ensures both debaters can form coherent arguments

2. Predictability- There are an infinite amount of args they can pic out of which makes it harder to beat back their args individually, we cant prep against the various things they can change in squo i.e. funding or agents. K2 Fairness- forms access for preround prep. Also kills clash- w need to be able to engage their positions

3. Topic Ed- They isolate a hyperspecific topic instead of talking about the feasiability of the policy option passed in the 1AC. Topic education o/w others- we only have 2 months. Reading the PIC as a DA solves all of their offense

D. Voter

1. Fairness- debate’s a competitive activity, 2. Education- only portable impact. 3. Drop the debater- A. fairness is a gateway issue- unfair args skew the round, B. Norms- a loss deters future abuse. 4. Competing Interps- A. reasonability is arbitrary and invites judge intervention, B. it collapses into competing interps- we have offense defense debates about brightlines.

Interpretation- The negative may not read an advocacy that can be later kicked in a later speech.

Violation-

1. Reciprocity-the 1NC is able to read multiple off cases and collapse onto one in a later speech. The aff only has one unconditional route to the ballot whereas the neg can just kick out any of them which means that the neg has more opportunities to win. This K2 Fairness-ensures both debaters have equal access to the ballot.

2. Predictability- The neg can choose either one of their multiple off cases without the aff debater knowing – K2 fairness because this makes the round impossible for the aff to win after collapsing to a specific advocacy.

3. Ground- they can kick out of any advocacy even when the aff has turns and defense on it- K2 fairness because the neg only has to respond to one position.

Crossapply the voters.

## 1AR v Specific Ks

### 1AR v Nihilism

Double bind – they say to do nothing so that means either a) Doing nothing probably doesn’t solve the link insofar as that’s the squo (which is not limiting speech) or 2) if it does solve then the alt is a form of hope which means the alt links

First, Perm do both: When they concede that im breaking down our silencing of voices the plan is a literal action of the alternative.

Second, Perm do the plan while embracing the alternative: Cross apply the no links and my articulation from the previous perm. They don’t give you a warrant of why post alternative the state will magically be gone. This means the incrementalist approach of the 1AC can strategically be a liberatory politic.

Third, Perm do the plan and then the alternative: Either the alt can overcome the one instance of the plan or it was always going to fail. In a world where they have no case specific links prefer the aff evidence to the implications of the advocacy.

Perm Net-benefit: Cross-apply that contention to is a disad to the alt on face meaning only the plan or the perm solves. Additionally, they ignore that my 1AC on face breaks down the model minority myth in the round. This becomes another disad to the alt and supercharges the perms.

#### Second, Extend my Giroux 13 Evidence that calls out the domination in this space. My opponent’s narrow focus on the affirmative advocacy ignores the domination that I attempt to break down in this space. This is damning for the neg because Giroux would indicate that this narrow focus causes the same type of domination to be replicated; meaning by their own logic they should be dropped for their insistence on ignoring educational domination to advance their own fetishized liberal progress. This is both a voter and a turn to the K.

#### Third, The 1NC falls to the fatality induced by the logic of discipline – we believe nothing can be done because society is not focused on the harms that we care about. However, the disruption of the logic that we can’t do anything because the system is larger than is crucial to solving the harms of the link, and precludes the alternative. This is a sequencing permutation – the affirmative must come first.

Evans ‘14, [Mahseaevans(), Hope Matters: Black Nihilism in the Post-Ferguson Moment, Reflect Black: African American Cultural Criticism, xx-xx-xxxx, xx, https://reflectblack.wordpress.com/2014/12/07/hope-matters-black-nihilism-in-the-post-ferguson-moment/, 10-9-2016. SK]

Cornel West is a larger than life character; an impressive man paradoxically enrobed in the simplicity of his all black three piece suits. He is a whirlwind of wisdom whipping through vectors of verbosity leaving listeners both charmed and challenged by the appearance of his wide smile, and wild hair. Admittedly, I find his presentation of prophetic earnestness in the Obama era a “little much” at times. He aspires to be that lone wolf archetype; righteously crying out in midst of a meadow of the fawning uncritical masses. Still, despite my reservations on his present public persona, there is not much I can argue with substantively and his brilliance is undeniable.Cornel West With that, I did not know what to expect when reading his book, Race Matters. Surprisingly, the short essay format and his elegant yet accessible language made the text very approachable and his concepts clear. Though written decades ago, it still seems particularly relevant for today. West argues that the usual approaches to confront the issues of racism from traditionally liberal or conservative perspectives are not enough. These paradigms of action inevitably fail because they do not adequately address the “murky waters of despair” that lead to nihilism. West defines nihilism as the “profound sense of psychological depression, personal worthlessness and social despair so widespread in black America.” He also associates it with the “lived experience of coping with a life of horrifying meaninglessness, hopelessness, and (most important) lovelessness.” Paul Goodnight Paul Goodnight This destructive feeling is baked into the makeup of a white supremacist society that originally regarded black bodies not as humans, but as commodities to be exploited and later as masses to be regulated or incarcerated. However, West points out that throughout history, blacks combated racist systems by implementing multiple modes of resistance including the creative and cultural ways that sought to protect the spirit of the people; a project of soul survival. Today, **there remains an insistent need to sustain and create new “powerful buffers” that counter the racist cultural narratives of black worthlessness** in order to affirm that black lives do in fact matter. Events like the unrest in Ferguson and the non-indictment of the police officer who killed Eric Garner in Staten Island can lead one to become seduced by a insidious cynicism; a disposition of the soul that causes one to give up and give in to despair. **Hopelessness is equivalent to a type of death, therefore life-affirming efforts to combat nihilism is vital**. Scriptures says that “**where there is no vision, the people perish**.” In like manner, **where there is no hope, there is no sense of meaning or motivation to continue the struggle for a more just world**. Author and cultural critic **Ta-Nehisi Coates talks about the existential threat of nihilism especially within the Ferguson moment.** **He discusses the** presence of **fatalism and** the **rage that can** sometimes **stem from the feelings of hopelessness and helplessness**. The thrust of his argument is that, **despite its justification, “fatalism is not an option” because it saps the energy to fight on to make life better for future generations**. He argues that **our own presence today is the evidencing or manifestation of the hope of our ancestors**. As such, we are obligated to struggle on and resist the urge to give up. Coates discussed these ideas while being interviewed by Chris Hayes on MSNBC. The whole segment is worth the watch! West ends his first chapter by exploring an idea which he terms a “politics of conversion.” It is an approach to making change rooted self love and in restoring a “hope for the future and a meaning to struggle.” Maybe the task for today’s leaders, and especially spiritual leaders within the black community, is to not only support political efforts to effect change, but to creatively re-imagine new ways to equip our communities against the existential and spiritual threat of nihilism. I wonder what **new creative expressions and methods could emerge if we allow our spiritual imaginations to be unfettered and free**? Still, no matter what strategies of resistance and self-affirmation develop as we navigate through this Ferguson moment, one thing that will always remain true is that hope matters. I conclude with a song by Mos Def, as he reminds us that “there is always a way, no matter what they say.” SK

The perm debate is the easiest way to vote in the round.

First, Perm do both: When they concede that im breaking down our ideological construction of domination the plan is a literal action of the alternative.

Second, Perm do the plan while embracing the alternative: Cross apply the no links and my articulation from the previous perm. They don’t give you a warrant of why post alternative the state will magically be gone. This means the incramentalist approach of the 1AC can strategically be a liberatory politic.

Third, Perm do the plan and then the alternative: Either the alt can overcome the one instance of the plan or it was always going to fail. In a world where they have no case specific links prefer the aff evidence to the implications of the advocacy.

#### Now on the Line by Line

1. No link – we do not embrace the state but rather use it as a heuristic to our own ends – means the state is a means to an end which devalues it

2. We break down the state – the Crimethink evidence is good on this question as we say that we need to take a step back and destroy the underpinnings of what sustains the state

3. We outweigh on real world – you are an ideological critique, but when people die because of militarism and the violent structures imposed by white privilege every single day you have to prioritize their lives over a fancy critique that says that we break from the state

4. No alt solvency – Warren might be a good author but you have not utilized the evidence well – nihilism cannot solve the hope that you criticize because it too attempts to “Make the world better” through ideology

5. No alt solvency – you magically fiat that we remove ourselves from the state but that links in harder because it is the type of parasitic whiteness that IGNORES STRUCTURAL CONDITIONS to say that BLACK PROBLEMS CAN BE SOLVED.

6. If anything the 1NC alternative IS THE AFF – we say that systems of discipline that sustain domination are bad and that we should break down discipline

7. Perm do both – recognize the state as a system of discipline that sustains domination which means our epistemological position resolves the harms of the alt and the contention is a net benefit

### AT Undercommons

As an overview to the kritik, the logic of the undercommons makes absolutely no sense. Any knowledge that we ascertain from the university is knowledge which we must reject. However, the university teaches us any sort of knowledge, even the knowledge about what color green is. To write off all the knowledge is non-sensical, thus we do not link as we take revolutionary action.

On the alternative

Radical opposition to the system affirms its existence and allow the system to simulate its own death and delay its collapse.

**Baudrillard in 92** Jean Baudrillard, Univeristy of Michigan, 1992, ["Simulcra and Simulation", https://books.google.com/books?id=9Z9biHaoLZIC&dq] MJC 2-11-2017

**Conjunction of the system and of its extreme alternative like the two sides of a curved mirror, a "vicious" curvature of a political space that is henceforth magnetized, circularized, reversibilized from the right to the left**, a torsion that is like that of the evil spirit of commutation, the whole system, the infinity of capital folded back on its own surface: transfinite? And is it not the same for desire and the libidinal space? Conjunction of desire and value, of desire and capital. Conjunction of desire and the law, the final pleasure as the metamorphosis of the law (which is why it is so widely the order of the day): only capital takes pleasure, said Lyotard, before thinking that we now take pleasure in capital. Overwhelming versatility of desire in Deleuze, an enigmatic reversal that brings desire "revolutionary in itself, and as if involuntarily, wanting what it wants," to desire its own repression and to invest in paranoid and fascist systems? A malign torsion that returns this revolution of desire to the same fundamental ambiguity as the other, the historical revolution. All the referentials combine their discourses in a circular, Mobian compulsion. Not so long ago, sex and work were fiercely opposed terms; today both are dissolved in the same type of demand. Formerly the discourse on history derived its power from violently opposing itself to that of nature, the discourse of desire to that of power-today they exchange their signifiers and their scenarios. It would take too long to traverse the entire range of the operational negativity of all those scenarios of deterrence, which, like Watergate, try to regenerate a moribund principle through simulated scandal, phantasm, and murder-a sort of hormonal treatment through negativity and crisis. It is always a question of moving the real through the imaginary, proving truth through scandal, **proving the law through transgression, proving work through striking, proving the system through crisis, and capital through revolution**, as it is elsewhere (the Tasaday) of proving ethnology through the dispossession of its object-without taking into account: the proof of theater through antitheater; the proof of art through antiart; the proof of pedagogy through antipedagogy; the proof of psychiatry through antipsychiatry, etc. Everything is metamorphosed into its opposite to perpetuate itself in its expurgated form**. All the powers, all the institutions speak of themselves through denial, in order to attempt, by simulating death, to escape their real death throes.** Power can stage its own murder to rediscover a glimmer of existence and legitimacy Such was the case with some American presidents: the Kennedys were murdered because they still had a political dimension. The others, Johnson, Nixon, Ford, only had the right to phantom attempts, to simulated murders. But this aura of an artificial menace was still necessary to conceal that they were no longer anything but the mannequins of power. Formerly, the king (also the god) had to die, therein lay his power. Today, he is miserably forced to feign death, in order to preserve the blessing of power. But it is lost. To seek new blood in its own death, **to renew the cycle through the mirror of crisis**, negativity; and antipower: this is the only solution-alibi of every power, of every institution attempting to break the vicious circle of its irresponsibility and of its fundamental nonexistence, of its already seen and of its already dead.

If you do believe their stance is sincere and/or you agree with it, you should reward their civil disobedience with a loss. Punishment is key to enlisting the sympathy of the majority and ensuring the movement succeeds.

Cohen 72 – Marshall, University Professor, Emeritus, Professor of Philosophy and Law, Emeritus, and Dean, Emeritus, College of Letters, Arts and Sciences at USC [͞Liberalism and Disobedience,͟ Philosophy and Public Affairs, Vol. 1, No. 3. (Spring, 1972), pp. 283-314, <http://www.jstor.org/stable/pdfplus/2265054.pdf>]

It is for this reason that **the civil disobedient** characteristically notifies government officials of the time and place of his actions and **attempts to make clear** **the point of** his **protest.** Obviously, one of the problems of a modern democracy is that many immoral actions taken in the people's name are only dimly known to them, if they are known at all. In such cases, the main difficulty in touching the public's conscience may well be the difficulty in making the public conscious. The civil disobedient may therefore find that in addition to making his actions public it is necessary to gain for them a wide publicity as well. Indeed, Bertrand Russell has suggested that making propaganda and bringing the facts of political life to the attention of an ignorant and often bemused electorate constitute the main functions of disobedience at the present time.3 It is certainly true that **nothing attracts the attention of the masses,** and of the mass media, **like flamboyant violations of the law,** and it would be unrealistic of those who have political grievances not to exploit this fact. But it is important, especially in this connection, to recall Gandhi's warning that the technique of law violation ought to be used sparingly, like the surgeon's knife. **For in the end the public will lose its will, and indeed its ability, to distinguish between those who employ these techniques whenever they wish to advertise their political opinions and those, the true dissenters, who use them only to protest deep violations of political principle.** The techniques will then be of little use to anybody. **After openly breaking the law, the traditional disobedient willingly pays the penalty**. **This is one of the characteristics that** serve to distinguish him from the typical criminal (his appeal to conscience is another), and it **helps to establish the seriousness of** his views **and the depth of** his **commitment** as well. Unfortunately, paying the penalty will not always demonstrate that his actions are in fact disinterested. For the youth protesting the draft or the welfare recipient protesting poverty has an obvious and substantial interest in the success of his cause. If the majority suspects that these interests color the disobedient's perception of the issues involved, its suspicions may prove fatal to his ultimate success. This is one reason why the practice of civil disobedience should not be limited to those who are directly injured by the government's immoral or lawless course (as Judge Wyzanski and others have suggested).4 A show of support by those who have no substantial interest in the matter may carry special weight with a confused, and even with an actively skeptical, majority. The majority simply cannot dismiss those over thirty-five as draft dodgers, or those who earn over thirty-five thousand dollars a year as boondogglers. It may therefore consider the issues at stake, and this is the first objective of the civil disobedient.

And Moten Agrees even if you think the aff is a good idea, the very act of recognition that the ballot provides is the antithesis of what Moten advocates because it will only affirm and retrench the system of oppression thus you must refuse recognition by voting neg to vote aff only this can truly disobey and tear down the system from within

**Harney and Moten 13** Stefano Harney and Fred Moten, 2013 ͞The Undercommons: Fugitive Planning and Black Study͟)[ http://www.minorcompositions.info/wp-content/uploads/2013/04/undercommons-web.pdf ] NJW

**If you want to know what** the undercommons wants, what **Moten and Harney want**, what black people, indigenous peoples, queers and poor people want, what we (the ͞we͟ who cohabit in the space of the undercommons) want, it is this –**we cannot be satisfied with the recognition and acknowledgement generated by the very system that denies a) that anything was ever broken and b) that we deserved to be the broken part; so we refuse to ask for recognition** **and instead we want to take apart, dismantle, tear down the structure** that, right now, limits our ability to find each other, to **see beyond it and to access the places** that we know lie outside its walls. We cannot say what new structures will replace the ones we live with yet, because **once we have torn** shit **down, we will inevitably see more** and see **differently** and feel a new sense of wanting and being and becoming. **What we want after ͞the break͟ will be different from what we think we want before the break** and both are necessarily different from the desire that issues from being in the break.

Double Bind Perm: Do the alt and the aff, and if the alt solves with the aff, then the K goes away, but if it doesn’t, then the alt is insufficient to solve for the link and should be rejected.

Perm: do the alt then the parts of the aff which are compatible afterward. We can always wait until their alt solves to do the aff, theres a net benefit to how we can challenge oppression in the future

### AT Habeas Viscus (Stuy)

Link

1. No link – we do not categorize students as property that needs to endless be included within the legal system. We only posit a pragmatic solution to mandate a stop on all speech restrictions that cause the exclusion of certain minorities in the first place
2. You link as well – categorizing certain groups and minorities as always excluded and marginalized only re-entrenches the oppression you critique.

RoB

1. Too exclusive since it ignores diversity of the European race—perpetuates racism, feminism, etc. The AC holds the internal link

Alt

1. You don’t conceptualize what a deconstruction of man as a category is on college campuses – assuming all individuals will change their mindsets is the VERY DEFINITION of abuse fiat. Attempting to abstract away from social realities is repugnant and eliminates the possibility of a concrete solution to oppression – **this is terminal defense** as the k fails to incorporate real-world circumstances.

**Curry in ‘14** Curry, Tommy J. [Ph.D., Associate Professor of Philosophy, Texas A & M University] “The Cost of a Thing: A Kingian Reformulation of a Living Wage Argument in the 21st Century.” Victory Briefs, January/February 2015. CC

**Despite the pronouncement of debate as an activity and intellectual exercise pointing to the real world consequences of dialogue**, thinking**,** and (personal) politics when addressing issues of racism, sexism, economic disparity, global conflicts, and death, many of the discussions concerning these ongoing challenges to humanity are fixed to a paradigm which sees the adjudication of material disparities and sociological realities as the conquest of one ideal theory over the other. In “Ideal Theory as Ideology,” Charles Mills outlines the problem contemporary theoretical-performance styles in policy debate and value-weighing in Lincoln-Douglass are confronted with in their attempts to get at the concrete problems in our societies. At the outset, Mills concedes that “ideal theory applies to moral theory as a whole (at least to normative ethics as against metaethics); [s]ince ethics deals by definition with normative/prescriptive/evaluative issues, [it is set] against factual/descriptive issues.” At the most general level, the conceptual chasm between what emerges as actual problems in the world **(e.g.: racism, sexism, poverty, disease, etc.)** and how we frame such problems theoretically—the assumptions and shared ideologies we depend upon for our problems to be heard and accepted as a worthy “problem” by an audience—is the most obvious call for an anti-ethical paradigm, since such a paradigm insists on the actual as the basis of what can be considered normatively. Mills, however, describes this chasm as a problem of an ideal-as-descriptive model which argues that for any actual-empirical-observable social phenomenon (P), an ideal of (P) is necessarily a representation of that phenomenon. In the idealization of a social phenomenon (P), one “necessarily has to abstract away from certain features” of (P) that is observed before abstraction occurs. ¶This gap between what is actual (in the world), and what is represented by theories and politics of debaters proposed in rounds threatens any real discussions about the concrete nature of oppression and the racist economic structures which necessitate tangible policies and reorienting changes in our value orientations. As Mills states: “What distinguishes ideal theory is the reliance on idealization to the exclusion, or at least marginalization, of the actual,” so what we are seeking to resolve on the basis of “thought” is in fact incomplete, incorrect, or ultimately irrelevant to the actual problems which our “theories” seek to address. Our attempts to situate social disparity cannot simply appeal to the ontologization of social phenomenon—meaning we cannot suggest that the various complexities of social problems **(**which are constantly emerging and undisclosed beyond the effects weobserve**)** are totalizable by any one set of theories within an ideological frame be it our most cherished notions of Afro-pessimism, feminism, Marxism, or the like. At best, theoretical endorsements make us aware of sets of actions to address ever developing problems in our empirical world, but even this awareness does not command us to only do X, but rather do X and the other ideas which compliment the material conditions addressed by the action X. As a whole, debate (policy and LD) neglects the need to do X in order to remedy our cast-away-ness among our ideological tendencies and politics. How then do we pull ourselves from this seeming ir-recoverability of thought in general and in our endorsement of socially actualizable values like that of the living wage? It is my position that Dr. Martin Luther King Jr.’s thinking about the need for a living wage was a unique, and remains an underappreciated, resource in our attempts to impose value reorientation (be it through critique or normative gestures) upon the actual world. In other words, King aims to reformulate the values which deny the legitimacy of the living wage, and those values predicated on the flawed views of the worker, Blacks, and the colonized (dignity, justice, fairness, rights, etc.) used to currently justify the living wages in under our contemporary moral parameters.

1. Turn – author of article is “Robin James,” of white/European descent. This means that they link back to their critique of attempting to deconstruct Eurocentrism as they are furthering white philosophy.
2. Perm: Do the aff then the K: there is no brink evidence suggesting that the racism of the aff will push us over the brink and cause the unique harms. The harms are already occurring in the squo, and one perpetuation of them by doing the aff will not increase the harms
3. Double Bind Perm: Do the alt and the aff, and if the alt solves with the aff, then the K goes away, but if it doesn’t, then the alt is insufficient to solve for the link and should be rejected.
4. Perm: do the alt then the parts of the aff which are compatible afterward
5. Perm: Exclude the parts of the aff that link and then do the aff
6. Perm: do the aff only for blacks to increase their participation.

The net benefit is being able to enact real world policies that impact college campuses in the real-world.

### AT Set Col

The only way to abolish set col is by affirming, we need a combination of transgressive and tangible politics. Negating will just reinforce current university structures that subjugate the Indigenous and prevent their movement.

**Greensmith and Giwa 13** Cameron Greensmith and Sulaimon Giwa, Universtiy of Toronto, 2013, ["Challenging Settler Colonialism in Contemporary Queer Politics", http://uclajournals.org/doi/pdf/10.17953/aicr.37.2.p4q2r84l12735117] MJC 2-11-2017

For this research project, a qualitative methodological approach reveals more than a quantitative one, because **our goal is to highlight the subjective experiences and perceptions of** Two-Spirited-identified interviewees **[the colonized].** This qualitative approach troubles the positivist quantitative methodologies that are typically disconnected from a Queer ethos. Helen Hok-Sze **Leung argues that a Queer theoretical perspective “theorize[s] what escapes, exceeds, and resists normative formations.”**56 Similarly, Kath Browne and Catherine Nash suggest that **Queer “can and should be redeployed,** fucked with **and used in resistant and transgressive ways.**”57 In these pages, **we use Queer as a disruption of the norm and simultaneously as a very real identity category. Both qualitative and quantitative research function as tools of colonial oppression, producing Indigenous peoples as objects of inquiry.58 To avoid reproducing this pattern of imperialist domination, we centralize an Indigenous decolonizing framework within a Queer focus**—seeking **to “put a human face to** what is called **a body of knowledge** and in the process **unmasks the presumably faceless body**.”59 Margaret Kovach asserts, “**A decolonizing approach, built upon critical theory, is particularly effective in analyzing power differences between groups [in] that it provides hope for transformation** . . . there is **a role for both structural change and personal agency in resistance** . . . and [in] that Habermas’ notions of finding victories in small struggles resists a purist tendency towards an all-or-nothing approach to social transformation.”60 **Decol**onization aims to **center Indigenous epistemologies and worldviews,** **which are typically delegitimized in canonical social science methodological frameworks.** An example of such negation can be found in the dominant social science qualitative interviewing model, in which researchers typically require research participants to physically sign an informed consent document, thus eschewing the value of Indigenous oral traditions.61

The aff solves because we resolve the restrictions speech codes place on university press. By affirming we can start a movement that uses the university press to break it down. The negative can never do this because the university will always have absolute control over press and knowledge, and will only continue the oppression.

**On the alt:**

Excuses DA – SCT’s critique of policy reform and the rhetoric of inevitability of settler colonialism excuses settlers from responsibility and further paints indigenous people as victims

Alissa Macoun Lecturer in Poli Sci/IR @ U Queensland, Her research in Australian Indigenous politics explores political and philosophical frameworks driving public debates & Elizabeth Strakosch lecturer in public policy and governance @ U Queensland, and her research focuses on the intersection of policy and political relationships. PhD in Poli Sci @ U Queensland, Settler Colonial Studies, 3(3-4), pp. 426-443., 2013, ["The ethical demands of settler colonial theory", http://eprints.qut.edu.au/63908/1/63908.pdf] bcr 1-27-2017

This tendency is reinforced by SCT’s capacity to identify significant commonalities in the objectives of conservative and progressive policy approaches, as discussed above. It shows that traditional ‘decolonizing’ pathways such as treaty making, reconciliation and formal apologies may also serve colonial ends by absorbing and extinguishing Aboriginal political difference without disturbing the foundational structures of settler dominance. As Australian anthropologist Deborah Bird Rose notes, this makes it ‘difficult to offer a critique of the colonizing features without calling into question the whole decolonizing project’.67 If every settler action is framed as always already colonizing, then individuals are excused from anti‐colonial action in the present and Indigenous people are destined to be victims of an unstoppable colonizing state.68 As bell hooks argues in relation to US race relations, this is useful to those in a position of dominance: ‘so many White people are eager to believe racism cannot be changed because internalizing that assumption downplays the issue of accountability. No responsibility need be taken for not changing something if it is perceived as immutable.’69 Is it possible that settlers are particularly attracted to SCT precisely because it gives us a sense of being intellectually committed to the end of colonialism while simultaneously unable to act against our own privilege? As a recent article concluded about the prospects for decolonization: I can only assess this with a degree of gloom. I am yet to be convinced that we can prevent indigenous disadvantage remaining structurally embedded in society and through the state even after any kind of ‘transition’ or ‘transformation’. At the same time, I fear decolonization. I am myself a settler, like several of my ancestors before me, and I have nowhere else to belong.70 SCT’s structuralism may serve these conflicted interests, in allowing us to feel we have done all we can while facing the ‘reality’ of an inevitable settler colonial future.

Fatalism DA – SCT’s inability to posit a transformative future across political structures inculcates a sense of hopelessness that makes radical change impossible

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The particular challenge of SCT’s analysis is that it does not give an account of such a transformed future, or of the conditions for settler colonialism’s demise. This can lead to a theoretical and political impasse and result in a kind of colonial fatalism. Such fatalism can be deployed to imply a moral equivalence between different forms of settler political interaction with Indigenous people, and, at its worst, to deny the legitimacy of Indigenous resistances. Structuralist narratives are able to posit radical change, but only if this change is built into the structures they describe – for example because these structures are subject to internal contradictions or are inherently unstable. Settler colonial structures, however, appear as highly stable and ‘relatively impervious to regime change’.65 Therefore, at the same moment settler scholars finally see the depth and reach of settler colonialism in the present they feel unable to find ‘postsettler colonial passages’.66

Caricatures DA – SCT’s focus on defeat and marginality without considering indigenous agency replicates settler authority in defining reality

Alissa Macoun Lecturer in Poli Sci/IR @ U Queensland, Her research in Australian Indigenous politics explores political and philosophical frameworks driving public debates & Elizabeth Strakosch lecturer in public policy and governance @ U Queensland, and her research focuses on the intersection of policy and political relationships. PhD in Poli Sci @ U Queensland, Settler Colonial Studies, 3(3-4), pp. 426-443., 2013, ["The ethical demands of settler colonial theory", http://eprints.qut.edu.au/63908/1/63908.pdf] bcr 1-27-2017

This structuralism gives many within settler colonial studies a particular orientation towards Indigenous resistance and scholarship. Australian scholar Tim Rowse argues that critical settler perspectives on colonialism can ‘reproduce that sorrowing form of attention in which defeat and marginality are highlighted at the expense of understanding the nature and limits of the Indigenous agency that circumstances afforded’.71 He and others suggest that this sort of analysis caricatures Indigenous responses, presenting a false binary between resistance/sovereignty and co‐optation in the colonizing process.72 This, they suggest, leads scholars to position one sort of Indigenous response as more valid and authentic than others, re‐performing the authority settlers have always claimed over definitions of Indigenous reality. Joanne Barker identifies a ‘troubled focus within settler colonial studies on structure to the erasure of Indigenous experiences and perspectives about colonialism even within analyses of the “logic of elimination” that fuels colonial processes of social formation.’73 SCT may be revelatory to many settler scholars, but Indigenous people have been speaking for a long time about colonial continuities based on their lived experiences.74 Some SCTs have sought to connect with these discussions and to foreground Indigenous resistance, survival and agency.75 Others, however, seem to use SCT as a pathway to explain the colonial encounter without engaging with Indigenous people and experiences – either on the grounds that this structural analysis already conceptually explains Indigenous experience, or because Indigenous resistance is rendered invisible.

## Methodologies

### M – BRT

WHAT IS A BIAS REPORTING SYSTEM?

In order to distinguish bias reporting systems from other speech codes, and to identify systems that may not be explicitly identified as a “bias reporting” system,1 FIRE applied a three-part definition. Where it was unclear whether a particular element was met, we used our best judgment. Links to the websites of all Bias Response Teams are provided in Appendix B so that the reader may form his or her own opinion.

FIRE defines a bias reporting system as any system identified as such, or that provides:

a formal or explicit process for or solicitation of

reports from students, faculty, staff, or the community

concerning offensive conduct or speech that is protected by the First Amendment or principles of expressive or academic freedom.

Under FIRE’s definition, a school policy or reporting system limited to criminal offenses involving hate or bias does not constitute a bias reporting system.

LOCATING AND OBSERVING BIAS REPORTING SYSTEMS

FIRE relied on a number of methods to locate bias reporting systems, including mining schools’ websites for information, using tools to monitor websites for changes, and issuing public records requests to collect additional information.

We first gathered state-by-state lists of public and private institutions on Wikipedia, as well as in FIRE’s own Spotlight database,2 to identify leading institutions in the United States. We then reviewed each school’s website and Google presence, searching for references to bias reporting systems. To locate other systems, we searched for reporting forms provided by Maxient and other companies known to host reporting forms. The location process also utilized Google alerts and media reports concerning bias reporting systems.

Once the institutions were identified, FIRE monitored each Bias Response Team page for changes in text—a practice we will continue in order to observe whether, or how, institutions change their systems over time.3

FIRE also reviewed the public-facing websites of reporting systems to identify relevant policies, definitions, forms, and other information. We recorded the definitions of “bias” in both policies and reporting forms, which often differed from one another, to determine the categories of bias defined by each institution.

Finally, we utilized public records requests at some institutions to uncover the types of reports being made and how the Bias Response Teams acted in response to each submission.

A NOTE ABOUT LIMITATIONS

This survey documents how Bias Response Teams operate and who serves on them. Given the number of higher education institutions in the United States, this survey was not intended to identify the rate at which institutions have adopted such systems.

1. Frank B. Wilderson III, Prof at UC Irvine, speaking on a panel on literary activism at the National Black Writers Conference, March 26, 2010, "Panel on Literary Activism", transcribed from the video available at http://www.c-spanvideo.org/program/id/222448, begins at roughly 49:10 [↑](#footnote-ref-1)